Connecting All Missourians

BEAD Initial Proposal

Missouri Department of
Economic Development

Message from the Director

The Office of Broadband Development (OBD) is proud to share our Initial Proposal as submitted to the National Telecommunications and Information Administration (NTIA). This is our plan to effectively deploy over $1.7 billion in funding from the Broadband Equity Access and Deployment (BEAD) act. Missouri is excited to be the third largest recipient of BEAD funding, but there is much work to be done to bring quality broadband to all Missourians.

This Initial Proposal is the work product of our entire team. We would like to thank the extended team at the Department of Economic Development, University of Missouri, particularly Extension, the state's Regional Planning Commissions, and the St. Louis Public Library for their partnership throughout the planning efforts. The proposal was shaped by the individual citizens and stakeholders who joined us at more than forty meetings held around the state. Hearing directly from over 1,200 individuals hardened our team to the work ahead. We are proud of the Initial Proposal and it wouldn't have been possible without our partners and the public who participated in the process.

Volume 1 lays out a fair and transparent challenge process to prove broadband availability prior to deploying funding. We will begin with the map as presented by the Federal Communication Commission and will allow providers, nonprofit entities, and local governments to file challenges to cure the map. We are partnering with the University of Missouri to allow residents of the state to submit evidence of broadband availability at their homes and businesses. Looking forward to this historic investment, we intend to host a robust a map challenge opportunity that will generate accurate maps prior to making funding decisions.

Volume 2 details OBD's plans for administering the funding with the goal to <u>bring highspeed internet to every location without access</u>. In 2022, Gov. Parson and the Missouri Legislature invested over $261 million to connect over 54,000 locations. Missouri has also received many federal awards to bring service. Accounting for the ongoing commitments, we believe there are approximately 220,000 locations in need of service. Our plan maximizes our opportunity to partner with willing providers to bring quality connections to ALL.

In addition to the goal of serving everyone, our team held to three important standards.

- <u>Quality Service</u> – The BEAD opportunity has the chance to bring service to every Missourian. It could be the last major public funding opportunity. With that in mind, we must invest in service that will support the citizens' needs for the foreseeable future.
- <u>Business Friendly</u> – OBD recognizes that the success of this program is dependent on providers being active in the program. We believe we've laid out a plan that will allow all providers and provider types to take part in the program.
- <u>Locally Driven</u> – The most successful deployments are the one supported by the communities they serve. With that in mind we focused on supporting locally supported projects as well as those who will make a lasting impact on the Missouri economy.

Thank you to everyone who took part in the planning process and the public comment periods. These plans are the product of our work together. The Initial Proposal Volume 1 and 2 is now in the hands of NTIA for their approval. Once approved we will move forward with the challenge process and ultimately the offering of grants.

Our office views this as a once in a lifetime opportunity for the thousands of Missourians without high-speed internet. With broadband access, they will be able to take advantage of world-class healthcare, education, and economic development resources. We will be working over the coming years to bring those connections, ensuring that all Missourians can prosper.

We look forward to working with every one of you. Feel free to reach out to our office any time.

Sincerely,

BJ Tanksley, Director – Missouri Office of Broadband Development

About This Document

This version of Missouri's Initial Proposal was submitted to the National Telecommunications and Information Administration (NTIA) on December 27, 2023. Missouri's Initial Proposal lays out the Missouri Office of Broadband Development's plans to spend $1.7 billion in funding flowing to the state as part of the Broadband Equity, Access, and Deployment program (BEAD). It is divided into two parts. Volume I explains how the state of Missouri will determine which homes and businesses in the state are "unserved" or "underserved" and eligible for improved service through the BEAD program. Volume II explains how the state of Missouri will select the projects that will bring improved service to these locations, and the conditions that will apply to those grants.

This document is informed by public comment periods conducted in October, November and December 2023. The draft versions released for public comment can be found online at ded.mo.gov/getconnected or by following these links:

https://ded.mo.gov/media/pdf/bead-initial-proposal-volume-1

https://ded.mo.gov/media/pdf/bead-initial-proposal-volume-2

Some elements of this documents may change based on curing required by NTIA before that agency is willing to approve the document.

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VOLUME I

VOLUME II

BEAD VOLUME ONE

Community Anchors, State Challenge Process, and Location Eligibility

1.1 Existing Broadband Funding (Requirement 3)

1.1.1 Submit the file identifying sources of funding, a brief description of the broadband deployment and other broadband-related activities, the total funding, the funding amount expended, and the remaining funding amount available. Eligible Entities may copy directly from their Five-Year Action Plans.

See uploaded files at ded.mo.gov/getconnected

1.2 Unserved and Underserved Locations (Requirement 5)

1.2.1 Attach two CSV files with the location IDs of all unserved and underserved locations, respectively, including unserved and underserved locations in applicable Tribal Lands.

See uploaded files at ded.mo.gov/getconnected

1.2.2 Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.

FCC's Broadband Data Collection (BDC) as of June 30, 2023, last updated December 12, 2023

State Modification: Treatment of Later Map Updates

This publication date was used to identify the unserved and underserved locations in the files attached for 1.2.1. In line with the language in section 8 ("Post Challenge Process Updates") of the Initial Proposal Volume I policy notice, the Missouri Office of Broadband Development (OBD) plans to update the list of eligible locations after the completion of the challenge process to reflect intervening changes to the FCC broadband map. OBD will use BDC data as of December 31, 2023, if the data is published at the time of the conclusion of the state challenge process. If BDC data as of December 31, 2023, is not published when the challenge process ends, the update will use the most recently updated version of the June 30, 2023, data. This update will be according to the following principles.

New broadband serviceable locations (not previously appearing on the FCC National Broadband Map) with FCC availability data will be added. Their BEAD eligibility will be determined based on the FCC service reported for the locations and the following extension of state challenge process rules:

Locations with DSL service over 100/20 Mbps and no other Reliable Broadband Service over 100/20 Mbps will be treated as underserved.

Locations added in geographies where a modification was made to all service in the geography (including area challenges or state-wide terms of service challenge) will be subject to that modification before eligibility is determined, providing a rebuttal to that modification was not upheld. For instance, in a census block group where an area challenge was upheld against a given provider and technology, newly reported service using the same provider and technology will not be considered for the purpose of determining BEAD eligibility.

Any location eligible for BEAD at the end of the state challenge process will remain eligible following the update. Newly reported or upgraded service that causes a location eligible for BEAD funding at the end of the state challenge process to become ineligible will not be reflected for the purpose of determining BEAD eligibility. For the purposes of this rule, changes in reported broadband availability will be reflected for the purpose of determining BEAD eligibility in cases in which service is removed, reported speeds are reduced, or the reported technology is changed from fiber, cable, DSL, licensed fixed wireless, or licensed-by-rule fixed wireless to satellite or unlicensed fixed wireless. Changes will not be reflected for the purposes of determining BEAD eligibility in cases in which service is added, reported speeds are increased, or the reported technology is changed from satellite, or unlicensed fixed wireless to fiber, cable, DSL, licensed fixed wireless, or licensed-by-rule fixed wireless.

Rationale for State Modification to Model Process (Treatment of Later Map Updates)

The language in the model policy does not fully explain how the map at the end of the state challenge process will be updated to reflect new FCC data. This implementation of that principle is designed to (a) when possible, treat new locations as they would have been treated if the locations had been present on the map over the course of the challenge process by applying categorical modifications and to (b) ensure locations do not lose eligibility based on newly reported service that could not have been challenged over the course of the state challenge process because the service was not reported while the map was underway.

Allowing newly reported service to make locations ineligible for BEAD would mean that any over-reporting on a single version of the FCC map could block large areas of the state from funding without allowing stakeholders with an interest in the effected locations a chance to respond. OBD does not necessarily expect over-reporting to occur on any systematic basis, but any that occurs, even unintentionally, would have the effect of excluding locations from BEAD funding with no opportunity for redress, should the update be applied without this rule. Cases in which providers retract claimed service do not present the same potential for anti-competitive behavior.

OBD recognizes the importance of allowing real cases in which service has been improved to be reflected on the map. Providers will have an opportunity during the state challenge process to report instances in which construction is planned in the immediate future but is not yet complete. Asking providers to use this information as the basis of challenges rather than relying on subsequent updates to the FCC map allows other participants in the challenge process to dispute these reports.

1.3   Community Anchor Institutions (CAIs) (Requirement 6)

1.3.1   Describe how the statutory definition of "community anchor institution" (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.

Based on the statutory definition of "community anchor institution" in 47 U.S.C. § 1702 (a)(2)(E), OBD applied the definition to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

OBD determined the inclusion or exclusion of community support organizations not specifically listed in 47 U.S.C. § 1702(a)(2)(E) as a CAI based on whether the organization facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The following definitions and sources were used to identify the types of CAIs the State intends to serve:

- **Schools**: K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories "public schools" or "private schools" and any public or private K-12 schools in datasets maintained by the State of Missouri Office of Geospatial Information (OGI) as part of its work supporting the geospatial information needs of the MO Department of Elementary and Secondary Education, and other state evidence.
- **Libraries**: Including all libraries participating in the FCC E-Rate program as well as libraries listed in a dataset maintained by OGI.
- **Health clinic, health center, hospital, or other medical providers**: The list of health clinics, health centers, hospitals and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier. These were supplemented with datasets of healthcare providers maintained by OGI on behalf of the MO Department of Health and Senior Services, including its Division of Regulation and Licensure and Office of Long Term Care Regulation.
- **Public safety entity**: The list includes entities such as fire houses, emergency medical service (EMS) stations, police stations, and public safety answering points (PSAP). The list of fire stations, EMS stations, and police stations were based on records maintained by OGI drawn from the U.S. Geological Survey. The list of

PSAPs includes all those listed by the U.S. Department of Homeland Security as part of the Homeland Infrastructure Foundation-Level Data (HIFLD).

- **Institutions of higher education**: Institutions of higher education include all institutions that have a National Center for Education Statistics (NCES) ID in the category "college", including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions, based on datasets maintained by OGI on behalf of the MO Department of Higher Education and Workforce Development.
- **Public housing organizations**: Public housing organizations were identified using a dataset maintained by the U.S. Department of Housing and Urban Development and cross-referenced with data documenting housing assets in the state of Missouri maintained by the MO Department of Mental Health. Per guidance from NTIA, "the CAI category of 'public housing organization' refers specifically to public housing agencies (i.e., entities that run public housing), not individual residential units or groups of units," owned or operated by such organizations. The latter are referred to in this document as "public housing residential units" and are not included as CAI unless they qualify for some other reason.
- **Community support organizations**: The State included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. The State included senior centers, job training centers, Community Supplemental Food Program (CSFP) distribution sites, Community Action Agencies, and local government buildings open to the public in this category. The U.S. Department of Labor maintains a database of "American Job Training" centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder.1 OGI maintains datasets documenting the location of senior centers, CSPF distribution sites, and Community Action Agencies. These databases were used to geolocate the institutions in these categories for the purposes of inclusion of Missouri's list of CAIs.

These categories were identified as community support organizations for the following reasons:

- Senior Centers facilitate greater use of broadband by aged individuals and other members of vulnerable populations, especially when broadband is not available at home or when the individual needs support to access broadband resources.

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[1] https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx

- Job training centers facilitate greater use of broadband by unemployed individuals and other vulnerable populations, in part by offering opportunities to develop digital skills.
- CSFP distribution sites or nutrition centers and Community Action Agencies facilitate greater use of broadband by low-income individuals that congregate there to use their services, especially when broadband in not available at home.
- Local government buildings that are open to the public facilitate greater use of broadband by low-income individuals in rural areas who may not be able to afford broadband at home or travel longer distances in order to reach other CAIs. In small towns in rural areas without other community spaces, city halls and other municipal buildings are often the only buildings with public wi-fi.

In each category of CAI, Missouri also drew on state, county and municipal resources to identify additional eligible CAIs in this category or any of the categories that were not contained in the data sources listed above. Missouri allowed institutions to self-identify as CAIs and provide relevant information as part of the data collection process associated with Missouri's digital asset map.

OBD considered potential revisions to its definition of CAIs based on suggestions received during its Initial Proposal Volume I comment period. These suggestions included adding public housing residential units, non-public affordable housing units, and local government buildings.

OBD chose not to include public housing residential units and non-public affordable housing units as CAIs for the purpose of determining BEAD eligibility. Improved internet connections to these buildings will be an important part of improving connectivity across the state of Missouri, especially for vulnerable populations, but such housing, including units in multi-dwelling residential units that do not have service over 100/20 Mbps using wired or licensed fixed wireless, will be eligible for funding in the higher-priority unserved and underserved categories. The statutorily defined CAIs are generally locations open to the public or broadly defined groups of clients where individuals go to receive services, including activities that require high-capacity internet connections. This does not generally describe residential units of any description, where internet is used by the residents and invited guests with correspondingly reduced demand for capacity.

OBD did choose to include local government buildings that are open to the public as CAIs. Comments indicated that for some rural areas with a dearth of other community gathering spaces, city halls and other publicly accessible community buildings like recreation centers offer an opportunity to access online resources using tools including public Wi-Fi. For this reason, OBD determined that these locations facilitate greater use of broadband service by vulnerable populations.

To assess the network connectivity needs of the types of eligible CAIs listed above, OBD:

- Engaged Missouri's research and education network: OBD reached out to MOREnet, Missouri's research and education network and E-Rate coordinator to better identify and understand the needs of its member schools, libraries and

non-profits. Given the nature of its work, MOREnet is one of the only entities with tracking internet capabilities of CAIs across Missouri. MOREnet provided data to OBD with a report of its connections as of June 30, 2023, which included 614 connections. For these locations, a 1 Gbps figure was entered into the "Broadband Availability" field, based on reports from MOREnet that all of their locations are fiber connected and should be able to achieve at least those speeds.

- Engaged government agencies. OBD reached out to relevant Missouri agencies to understand what records they have available regarding relevant CAIs and their 1 Gbps broadband service availability. OBD will continue to work with these agencies and others to refine and build on this list over the course of the Initial Proposal Volume I comment period and the challenge process to refine and enrich this list. Agencies were asked to identify potential datasets speaking to the locations as well as internet service needs and capabilities and to reach out to their CAI stakeholders to encourage further data-sharing. In other cases, OBD consulted databases maintained by or for these entities. State agencies providing data include the MO Department of Health and Senior Services, the MO Department of Elementary and Secondary Education, the MO Department of Public Safety, the MO Department of Health and Senior Services, the Office of Long Term Care Regulation, the Division of Regulation and Licensure, the Missouri 911 Service Board, and the MO Department of Mental Health. OBD notes that while several of these agencies agreed to reach out to stakeholders to encourage data sharing, none indicated that they had documentation of broadband availability or need.

Using the responses received, OBD compiled the list of CAIs attached in response to section 1.3.2. To the extent possible, OBD has attempted to identify eligible and potentially eligible CAIs before the submission of this document (Initial Proposal Volume I). OBD acknowledges that the list does not capture every CAI and lacks information about Internet access for many of the locations that are included. Over the course of the state challenge process OBD will continue to work to refine this list.

Missouri does not have tribal land as defined in the BEAD NOFO, so there was no occasion for special consideration of CAIs on tribal land in the compilation of this list.

State Modification: Treatment of Community Anchors that Appear as Broadband Serviceable Locations

Some locations identified as CAIs through this process appear on the FCC National Broadband Map as broadband serviceable locations (i.e., with values "B", "R", or "X" in the "building code" field). As further explained in Initial Proposal Volume II, CAIs are subject to a lower priority than unserved and underserved broadband serviceable locations should Missouri's BEAD allocation be insufficient to reach all eligible locations. Notwithstanding their inclusion in this list as CAIs, buildings that would otherwise appear on the FCC National Broadband Map as unserved or underserved broadband serviceable locations will be treated as unserved or underserved broadband

serviceable locations for the purpose of BEAD funding prioritization, should Missouri determine that it is unable to fund improved service to all CAIs.

Rationale for State Modification to Model Process (Treatment of Community Anchors that Appear as Broadband Serviceable Locations)

This rule eliminates a potentially perverse result whereby locations with very poor levels of Reliable Broadband Service (under 100/20 Mbps) would be excluded from receiving funding because they were identified or self-identified as community anchor institutions through the process outlined above. This could reduce participation in the CAI identification process by forcing CAIs to make complicated determinations about their best path to adequate connectivity, given limited BEAD funds. Without this rule, a CAI designation could actually make a location worse-off than the counterfactual. This rule preserves the goals of the program across different potential scenarios, allowing a CAI-designated broadband serviceable location access to the high-speeds called for in the BEAD NOFO for CAIs, if possible, while preserving their ability to receive lower but still substantial improvements in broadband service if there is not sufficient funding to serve all CAIs.

1.3.2 Submit the CSV file that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity's knowledge.

See uploaded file at ded.mo.gov/getconnected

1.4 Challenge Process (Requirement 7)

1.4.1 Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

☒ Yes

☐ No

1.4.2 If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity's jurisdiction as "served," "underserved," or "unserved," and provide justification for each modification.

Optional Module 2: Digital Subscriber Line (DSL) Modifications

OBD will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is "served") delivered via DSL as "underserved." This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of "future-proof" broadband service. This designation cannot be challenged or rebutted by the provider.

State Modification: FCC Area Modifications

OBD will treat locations within a census block group that the National Broadband Map shows to be served as unserved or underserved if (1) (a) six (6) or more broadband serviceable locations using a particular technology from the same provider within a census block group or (b) thirty (30) or more broadband serviceable locations using a particular technology from the same provider within a census tract and at least one within each census block group within that census tract were subject to successful availability challenges through the FCC's challenge process and (2) the location would be unserved or underserved if not for the challenged service.

The location's status would change to the status that would have been assigned to the location without the challenged service. For locations that do not meet condition 2 (e.g., because there are other reported options that are "served" by BEAD definitions), service meeting condition 1 will be removed for the purposes of considering challenges during the state challenge process.

Challenge records will be taken from "broadbandmap.fcc.gov/data-download/challenge-data". All records from the January 31, 2023, posting of resolved fixed challenges (the first posting of resolved fixed challenges for the state of Missouri) through the December 31, 2023, posting will be considered in this process. The following entries in the outcome field will be treated as a successful challenge:

- Challenge Upheld - Provider Conceded
- Upheld - Service Change
- Challenge Upheld - Adjudicated by FCC

Providers whose reported service is removed by this modification will be allowed to overturn this pre-challenge modification by submitting the evidence required for a rebuttal of an area challenge.

Rationale for State Modification to Model Process (FCC Area Modifications)

This modification applies the logic of the area challenge module to challenges already filed through the FCC challenge process. FCC challenges reflect relatively recent cases in which providers and challengers had an opportunity to provide evidence about the service available at a given location, subject to adjudication by a third party (the FCC). Cases in which six FCC challengers were successful in a single census block likely reflect more extensive mapping inaccuracies (just as six successful challenges through the state challenge process justify changes under the area challenge module). This modification is therefore evidence-based in the same sense that the area challenge module is--while it does not reflect specific information about every one of the effected locations, it does reflect patterns of evidence about the service available in areas in general in cases in which those patterns are sufficiently clear. Some challenges used as evidence in this modification will have been resolved close to a year before the modification is applied. OBD believes this time frame is justified by the strength of the evidence – these challenges were either conceded by the provider (especially in cases of early resolution) or upheld by the FCC – and given the opportunity to file rebuttals should the situation have changed in the interim.

In some areas in Missouri, an active community engagement process resulted in successful challenges to a substantial number of locations through the FCC challenge process. Without these modifications, these communities would actually be at a disadvantage in terms of correcting more widespread errors in the state challenge process, as FCC challengers whose challenges had been upheld would no longer have the challenged service listed and could not file a state challenge that would count towards an area challenge.

State Modification: Carrying Over FCC Challenges

OBD will also treat as unserved or underserved locations that were subject to a successful FCC availability challenge if OBD determines that a subsequent version of the FCC map classified the location as served based on service substantively similar to the challenged service that was either (1) reported by the same provider using a newly introduced technology code (i.e. licensed by rule fixed wireless) that would have been reported using the challenged technology code (i.e. licensed fixed wireless) on the version of the map on which the challenge was filed or (2) reported using the same technology from a new provider using the same infrastructure as the challenged provider as a result of a sale of a company or its assets. The location's status would change to the status that would have been assigned to the location without the challenged service. If the location would otherwise be served the location's status would not be changed. These challenges would count toward the six required challenges for the new provider or technology code.

At the time of the publication of OBD's initial classification of locations, OBD will identify the cases in which this modification was applied. Providers whose reported service is removed by this modification will be allowed to overturn this pre-challenge modification by submitting the evidence required for a rebuttal of an availability challenge. Providers affected by this change will be able to file challenges to reinstate their service by submitting evidence that the change in reported service was due to a change in available infrastructure.

Rationale for State Modification to Model Process (Carrying Over FCC Challenges)

This modification accounts for cases in which challenges that should have carried over from one version of the map to another did not because of a change in provider ID or technology code that likely did not reflect changes to the actually available infrastructure at a location. Treating these locations as "served," despite the successful challenges, would weaken public confidence in the mapping process in general (as outside stakeholders will not necessarily distinguish between the FCC and state challenge process) and effectively ignores validated evidence of broadband availability.

State Modification: Special Cases of Deduplication

OBD will attempt to identify, as part of its deduplication process, locations "in an area that has an enforceable commitment for the deployment of qualifying broadband to less than 100 percent of the locations in that area" that will not receive qualifying broadband as part of that award.

Providers responsible for Missouri enforceable commitments will be asked to indicate which locations, if any, will not receive qualifying broadband as part of the award and to provide information about their projected construction timeline for these locations. Based on the results received, one of three scenarios will play out.

Providers indicate a plan to serve 100 percent of locations in an awarded area with qualifying broadband. In this scenario, every location will be subject to deduplication.

The provider indicates a specific set of locations within their award area will not be served with qualifying broadband. In this scenario, the locations indicated will not be subject to deduplication and all other locations in the award area will be subject to deduplication.

The provider does not respond by either indicating scenario 1 or 2. In this scenario, none of the locations in the project area will be subject to deduplication.

Enforceable commitments removed through this pre-challenge modification can be reinstated for the purpose of deduplication through submission of an enforceable commitment challenge.

Rationale for State Modification to Model Process (Special Cases of Deduplication)

This amendment implements BEAD NOFO Section B.7.a.ii.3, as detailed in footnote 52, which calls for such deduplication as part of a challenge process "in an area that has an enforceable commitment for the deployment of qualifying broadband to less than

100 percent of the locations in that area." Scenario three provides for some incentive for providers to participate in this process by respecting enforceable commitments only if providers take the minimal step of indicating their plans to OBD.

State Modification: Mutually Agreed Amendments Based on FCC Reporting Rules

OBD understands that in some cases not captured by these pre-challenge modifications BDC reporting rules require broadband providers to report service in some locations that may not meet the requirements of Reliable Broadband Service in the BEAD NOFO ("(1) fixed broadband service that (2) is available with a high degree of certainty, (3) both at present and for the foreseeable future"). For instance, some providers offering service over licensed fixed wireless are required to report service to a set of locations when that provider's network of towers could only serve a fraction of those locations at a given time due to capacity constraints. OBD will conduct conversations with providers in this situation or analogous situations and may apply pre-challenge modifications to the state's list of eligible locations where the state and the reporting provider agree that these changes will result in a more accurate depiction of the presence of Reliable Broadband Service.

Rationale for State Modification to Model Process (Mutually Agreed Amendments Based on FCC Reporting Rules)

BDC reporting rules may require some providers to indicate service in locations where their service offering does not meet the requirements of Reliable Broadband Service in the BEAD NOFO. This modification allows OBD to address these cases when the implicated provider and OBD agree that a mechanical application of the BDC availability reporting would not accurately capture the actual availability of service.

1.4.3   Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

☒ Yes

☐ No

1.4.4   Describe the process that will be used to identify and remove locations subject to enforceable commitments.

OBD will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

- The broadband funding map published by the FCC pursuant to IIJA § 60105.2
- Data sets from state broadband deployment programs that rely on funds from the American Rescue Plan Act's Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
- State and local data collections of existing enforceable commitments.

OBD will make a best effort to create a list of broadband serviceable locations (BSLs) subject to enforceable commitments based on state/territory or local grants or loans. If necessary, OBD will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. OBD submitted this list, in the format specified by the FCC Broadband Funding Map, to NTIA on November 2, 2023.3

OBD has also identified cases in which federally funded enforceable commitments are not accurately captured on the FCC Broadband Funding Map. For instance, as of December 2023, the FCC Broadband Funding Map had not been updated to reflect some recent awards issued by the U.S. Department of Agriculture's ReConnect Program, and the documentation of Missouri's awards through the NTIA Broadband Infrastructure Program contained material discrepancies in both extent and speeds required by the awards when compared to Missouri's records of its agreements with subrecipients in the Program.

OBD will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure. In situations in which the state or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, OBD will reach out to the provider to verify the deployment speeds of the binding commitment. OBD will document this process by requiring providers to sign an agreement certifying the actual broadband deployment speeds deployed.

OBD drew on these subrecipient agreements, along with its existing database on state and local broadband funding programs' binding agreements, to determine the set of state and local enforceable commitments.

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2 The broadband funding map published by FCC pursuant to IIJA § 60105 (47 U.S.C. § 1704) is referred to as the "FCC Broadband Funding Map."
3 Guidance on the required format for the locations funded by state or territorial and local programs will be specified at a later date, in coordination with FCC.

1.4.5 Submit the list of the federal, state, or territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

See uploaded files at ded.mo.gov/getconnected

1.4.6   Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.

Based on the NTIA BEAD Challenge Process Policy Notice, as well as OBD's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious and evidence-based challenge process.

Permissible Challenges

OBD will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the State,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service.

Permissible Challengers

During the BEAD Challenge Process, OBD will only allow challenges from nonprofit organizations, units of local and tribal governments, and internet service providers. OBD's challenge portal will include mechanisms to enforce this restriction, a requirement of the NTIA BEAD Challenge Process Policy Notice. These mechanisms will include a registration process and a log-in restricting access to eligible challengers.

State Modification: Public Data Collection

Only representatives of nonprofits, local governments, and internet service providers will be eligible challengers during the state challenge process. Where it is technically feasible, OBD plans to provide tools built into its state broadband map to facilitate the collection of evidence from individuals that could substantiate challenges. This evidence will then be made available to the University of Missouri, an eligible challenger with expertise in broadband, a capacity to review challenges, and no material conflict of interest regarding the BEAD eligibility of individual locations. The University of Missouri will be provided information about how the challenge data was collected and will be asked to certify that they reviewed submitted evidence before using it as the basis of a challenge. Challenges filed based on this evidence will be subject to the same standard of proof as other challenges and will be subject to rebuttal on the same basis as other challenges.

Rationale for State Modification to Model Process (Public Data Collection)

Many small eligible challengers will struggle to participate in the challenge process without some support in collecting and submitting challenges. The tools proposed here will mean that every small town, ISP, or non-profit in the state will not have to create their own workflow for collecting and filing challenges. The amendment respects the requirement that only non-profits, units of local government, and ISPs act as challengers

and requires every challenger to take an active role in considering the evidence and deciding to file a challenge. It maintains the state's neutral role as adjudicator in the process, as the state will not make challenges, determine which challenges should be submitted, or favor challenges submitted based on evidence gathered using these tools over challenges filed based on other evidence.

Challenge Process Overview

The challenge process conducted by OBD will include three phases (a challenge, rebuttal, and determination phase), spanning 90 calendar days. Exact dates in this section should be treated as subject to change based on the completion of the state's challenge portal, approval of Initial Proposal Volume I, and other factors. If the start of the challenge phase is delayed for any of these reasons, OBD will respect the time windows for the challenge, rebuttal, and determination phases proposed here.

1. **Publication of Eligible Locations**: Prior to beginning the Challenge Phase, OBD will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). OBD will also publish locations considered served, as they may be challenged. Subject to plan approval, OBD capacity, and other factors, a final list of locations will be published February 18, 2024.

2. **Challenge Phase**: During the Challenge Phase, the challenger will submit the challenge through the OBD challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.

   a. **Minimum Level of Evidence Sufficient to Establish a Challenge**: The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the FCC National Broadband Map and meets the definition of reliable broadband service. The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, OBD will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated. If a challenge does not meet this minimum level of evidence, the challenge will be removed from a "challenged" state and the challenge portal updated to alert the provider that a rebuttal is no longer necessary.

> Challenged locations will only count toward an area challenge or state-wide terms of service challenge if they meet this standard of review. This higher standard of review before providers are asked to respond to these challenges should reduce the burden on rebutters associated with these challenge types, which will generally affect many locations simultaneously.

> **b. Timeline**: Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. OBD expects this window to open Feb. 19, 2024, and close March 20, 2024.

3. **Rebuttal Phase:** For challenges related to location eligibility, only the challenged service provider may rebut the reclassification of a location or area with evidence. If a provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges.

State Modification: Notification for CAI, Type (P), and Type (E) Challenges

Because it will not be possible to directly notify the universe of potential rebutters for CAI, planned service, or enforceable commitment challenges, OBD will post a cumulative list of all such challenges online intermittently during the challenge period and a final list at the conclusion of the challenge phase. The posting of that final list will be treated as the beginning of the rebuttal phase for these challenges. OBD will work with umbrella organizations representing potential rebutters to alert them to this list of challenges and the potential implication for BEAD eligibility.

Rationale for State Modification to Model Process (Notification for CAI, Type (P), and Type (E) Challenges)

Challenges to service reported on the FCC National Broadband Map have a discrete and easy-to-identify universe of potential rebutters. The challenge types addressed in this modification have a broader universe of institutions that may have interest in submitting a rebuttal. Because it will not necessarily be possible to identify and contact a particular rebutter for these challenges, this modification proposes additional steps to bring the challenge to the attention of potential rebutters.

> **a.** If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained, except for challenges of type (P) or type (E).

Challenges of this type, which do not have a designated rebutter, will be sustained only if a review of the submitted evidence and the proposed project gives OBD a very high degree of confidence that the enforceable commitment is binding (type E) or that the planned project will indeed go forward (type P). For any challenge type, a provider may also agree with the challenge and thus transition the location to the "sustained" state. Providers must regularly check the challenge portal notification method for notifications of submitted challenges.

b. **Timeline**: Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to OBD. The rebuttal period begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase. A provider notified of a challenge on the last day of the challenge phase (March 20, 2024) would have from March 21 to April 20, 2024, to respond.

In limited cases, the process outlined in 2(a) for challenges filed at the end of the challenge window may take more than a day to complete. While the 30-day challenge window for individual challenges will begin immediately after the portal receives the challenge and notifies the provider, the 30-day window for rebuttal can only begin after a sufficient number of locations to trigger the challenge have been reviewed by OBD for a minimum level of sufficiency through the steps outlined in section 2(a). Similarly, in the case of a state-wide terms of service challenge, OBD would start the window for a rebuttal only after completing the process in 2(a). If this process delays notification of the rebutter until after March 20, 2024, the rebuttal phase for that challenge will extend for 30 days regardless, continuing into the time allotted for the determination phase if necessary. The determination window will not be extended on this basis. OBD will allocate the necessary resources to quickly evaluate challenges that could contribute to area or state-wide challenges in order to minimize the overlap between the rebuttal window for these challenges and the determination window.

4. **Final Determination Phase:**

State Modification: Field Validation

During the Final Determination phase, OBD will make the final determination of the classification of the location, declaring the challenge either "sustained" or "rejected." In cases where the submitted challenge and rebuttal evidence does not allow OBD to determine the presence of service with a reasonable degree of confidence, OBD may choose to send OBD employees or contractors to gather additional evidence of the location's status, potentially including speed tests and observation of infrastructure in the area. OBD will prioritize field validation of

challenges based on factors including (1) the difficulty of making a ruling based on a desktop review of submitted challenge and rebuttal evidence, (2) the likely implications of the ruling for the BEAD funding decisions in terms of the number of locations effected and the eligibility status of other locations in the area, and (3) the likelihood that additional on-the-ground evidence collection could resolve the dispute, based on the nature of the challenge, the location, and the submitted evidence. The methodology used for data collections will be documented in OBD's Standard Operating Procedure, and standards of review for validation evidence will align with standards of review for challenge and rebuttal evidence. OBD will use the findings of the field validation in conjunction with other submitted evidence when making its final determination of the classification of the location.

Rationale for State Modification to Model Process (Field Validation)

OBD may have the capacity to carry out field validation for some cases where eligibility is disputed. OBD's experience during the challenge process associated with its ARPA Capital Projects Fund and State and Local Fiscal Recovery Funds-funded broadband program suggests that evidence submitted by interested parties is not always sufficient to resolve challenges with a high degree of certainty. In select cases, neutral field validation of the presence of service will improve the accuracy of challenge process results.

   a. Timeline: Following intake of challenge rebuttals, OBD will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. In order to allow a full rebuttal phase for challenges submitted on the last day of the challenge phase, the final determination phase for the last set of challenges would tentatively take place from April 21, 2024, to May 21, 2024.

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, OBD will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. OBD will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. OBD's grants team has experience neutrally applying rules in a challenge process for previous broadband grant programs. The grants team and other reviewers will be further trained to understand the Standard Operating Procedure, the rules of the BEAD program, and the principles underlying the state challenge process. Training will be conducted through presentations to reviewers and documentation that can be referenced later. OBD plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. OBD will also require that

all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

State Modification: Prioritization of BEAD-relevant challenges

Some service appearing on the FCC National Broadband Map will have no effect on whether a location is eligible for BEAD funding (for instance, satellite service, or service at speeds below 25/3 Mbps). OBD will not review, request rebuttal evidence, or make final determinations about the validity of service reported in this category as part of the state challenge process. If information about service in this category is reported over the course of the state challenge process, OBD may draw on this information after the conclusion of the state challenge process for the purpose of improving the general accuracy of the state's broadband mapping or as the basis of challenges through the FCC challenge process.

In some cases, a location is ineligible for BEAD for multiple reasons. For instance:

- A location has multiple providers reporting Reliable Broadband Service above 100/20 Mbps
- A location has one or more providers reporting Reliable Broadband Service above 100/20 Mbps and an enforceable commitment.

In these cases, a single challenge would not be sufficient to make the location eligible for BEAD funding. The focus of this state challenge process is on making funding decisions, and on that basis OBD will deprioritize challenges that would change BEAD eligibility only if one or multiple other challenges that have not yet been filed are filed and sustained. Through the end of the challenge window, OBD will prioritize evaluations of challenges that would change BEAD eligibility, alone or in conjunction with other already filed challenges. At the close of the challenge window, OBD will be able to definitively identify challenges that will have no effect on BEAD eligibility even if every other filed challenge was sustained. These challenges will not be further evaluated during the state challenge process. Challenges in this category may be evaluated later by OBD for the purpose of improving the general accuracy of the state's broadband mapping or as the basis of challenges through the FCC challenge process.

Rationale for State Modification to Model Process (Prioritization of BEAD-relevant challenges)

This treatment of challenges that do not have implications for BEAD funding decisions will reduce the burden of the challenge process on OBD and allow more focus on BEAD-relevant challenge determinations.

State Modification: Challenge Types and Challenge and Rebuttal Evidence

State challenge process determinations shall be made based on evidence listed in the table below submitted through process laid out in this section (1.4.6). OBD does not anticipate reaching out to either challengers or rebutters to expand the record beyond the submitted evidence. Should a challenged location be removed from the "challenged" state before the conclusion of the challenge window (either due to a

rebuttal or an OBD determination that the challenge was not minimally sufficient) a challenger would be allowed to file a new challenge for the same location, which would be evaluated on its own merits, but OBD will not allow post-submission edits to challenges or rebuttals, and should a challenged location be removed from the challenge state after the conclusion of the challenge window, there will be no option to restore that challenge.

No rebutter or challenger will be required to submit any particular piece of evidence, including customer information, as a part of the challenge process.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	Screenshot of provider webpage. A service request was refused within the last 180 days (e.g., an email, letter from provider, or written account of a conversation with a provider representative). Lack of suitable infrastructure (e.g., no fiber on pole). A letter, email or written account4 of a conversation with a provider	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an

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[4] In any case where challenges are substantiated by an account of the situation produced by the person submitting information in support of a challenge and not documentation produced by the provider ("a written account" as opposed to a provider's letter or email, or a screenshot of a provider's website), that information will be submitted using a form provided by OBD and integrated into the challenge process portal. The form will be designed to elicit sufficient information to rule on challenges. In cases where the information submitted is facially sufficient but does not reflect the actual status of the location (due to a miscommunication between the provider and prospective subscriber, incorrect information provided by an employee of the provider, or some other reason) the provider will be able to address this by filing a rebuttal.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			representative dated within the last 180 days indicating that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.5 A letter, email or written account of a conversation with a provider representative dated within the last 180 days indicating that a provider requested more than the standard installation fee ("charges… attributable to the extension of the network of the provider") to connect this location or that a provider quoted an amount in excess of the provider's standard	offer sent to the location. Evidence that generic marketing material advertising the provider's services has been circulated to the address will not be sufficient to rebut a challenge of this type.

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5 A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as "[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider."

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			installation charge in order to connect service at the location.	
			A letter, email, or written account of a conversation with a provider representative indicating that the provider requires a site survey before confirming they can serve the location.	
			Rationale for State Modification to Model Process: As many smaller Missouri providers primarily ask customers to sign up by phone, it is important that accounts of these conversations be explicitly included as evidence. An amendment accepting a site survey requirement as grounds for a challenge brings the possible availability challenges in line	

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			with FCC rules.6 Requiring challenger to arrange a visit by a provider technician before a challenge could be filed would place an unfair burden on challengers. Provider submitted data should reflect actual knowledge about the locations they can serve. Removing service from locations where the availability of service is uncertain aligns with the goals of the BEAD program.	
S	Speed	The actual speed of the service tier falls below the unserved or	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network

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6 "Under the FCC's rules a provider should only report availability for locations where they know that they can install service within 10 business days of a request. If the provider requires a site visit to confirm that its availability data is correct, the location should not have been reported as having service and this would be a valid basis for a challenge." FCC response to OBD questions sent on Jan. 5, 2023.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
		underserved thresholds.7		management system.8
L	Latency	The round-trip latency of the broadband service exceeds 100 ms9.	Speed testing by subscriber that is analytically rigorous and methodologically sound, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements.10
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap")	Screenshot of provider webpage. Service description provided to consumer.	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap. Evidence

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7 The challenge portal will gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.

8 As described in the NOFO, a provider's countervailing speed test should show that 80 percent of a provider's download and upload measurements are at or above 80 percent of the required speed. *See Performance Measures Order*, 33 FCC Rcd at 6528, para. 51. *See* BEAD NOFO at 65, n. 80, Section IV.C.2.a.

9 *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).
10 *Ibid*.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
		on the consumer.11		that generic marketing material advertising the provider's services has been circulated to the address will not be sufficient to rebut a challenge of this type.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available	Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the location and is marketed to

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[11] An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). The term "capacity allowance" is defined by the Urban Rate Survey as "the monthly data usage level at which the Internet Service Provider begins to block, rate-limit, or charge excess fees for additional data transmission." Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

Rationale for State Modification to Model Process This amendment addresses a possible ambiguity in the term "data cap."

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
		only to businesses.		consumers. Evidence that generic marketing material advertising the provider's services has been circulated to the address will not be sufficient to rebut a challenge of this type.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	Enforceable commitment by service provider (e.g., authorization letter). For enforceable commitments that do not require deployment of qualifying broadband for 100 percent of locations in a project area, OBD will require documentation that the specific challenged location will receive service as part of the commitment.	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).
P	Planned service	The challenger has knowledge that	Construction contracts or similar evidence of on-going deployment,	Documentation showing that the provider is no longer able to meet the

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
		broadband will be deployed at this location by December 31, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	along with evidence that necessary permits have been applied for or obtained. OBD will apply a high degree of scrutiny to planned service challenges, endorsing them only if a review of the evidence gives a high level of confidence they will be completed on time.	commitment (e.g., is no longer a going concern), that the planned deployment does not meet the required technology or performance requirements, or that preliminary work (e.g., application for permits) necessary for completion of the project by December 31, 2024, has not been completed.
N	Not part of enforceable commitment.	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	Declaration by service provider subject to the enforceable commitment.	
C	Location is a CAI	The location should be	Evidence that the location falls within the definitions of	Evidence that the location does not fall within the definitions of

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
		classified as a CAI.	CAIs set by Missouri.12	CAIs set by Missouri or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	Evidence that the location does not fall within the definitions of CAIs set by Missouri or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by Missouri or is still operational.

Area and Multiple Dwelling Unity (MDU) Challenge

OBD will administer area and MDU challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area or MDU challenge must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, respectively, for all (served) locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.

State Modification: Certification of Service to MDUs

Upon receipt of a challenge to service to a unit within an MDU, the challenged provider will be asked to certify that they can serve every unit in that building and, if not, which units they cannot serve. Any units the provider fails to certify will be treated as if that service is not available for the purpose of BEAD eligibility determination.

Rationale for State Modification to Model Process (Certification of Service to MDUs)

The FCC Broadband Data Collection process treated multi-unit buildings as a single broadband-serviceable location with a uniform level of service throughout. For service to broadband-serviceable locations, the state challenge process functions as a corrective measure applied to data that has already been collected; for service within

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[12] For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but OBD may rely on other reliable evidence that is verifiable by a third party.

MDUs, the state challenge process will be collecting data for the first time. This amendment gives providers that serve MDUs an opportunity to report cases where their existing infrastructure cannot provide service to every unit without imposing too substantial an administrative burden.

No action is required by providers beyond the certification for unchallenged units in MDUs until a multi-unit MDU challenge is triggered. A multi-unit MDU challenge requires challenges for one unit for MDUs having fewer than 15 units, for two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs. Here, the MDU is defined as one broadband serviceable location listed in the Fabric.13 An MDU challenge counts towards an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge).

A block group area challenge is triggered if six or more broadband serviceable locations using a particular technology and a single provider within a census block group are challenged.

State Modification: Census Tract Area Challenge

A tract area challenge is triggered if 30 or more broadband serviceable locations using a particular technology and a single provider within a census tract, including at least one location in every census block group within that census tract, are challenged.

Rationale for State Modification to Model Process (Census Tract Area Challenge)

This amendment extends the logic of the optional area challenge module to encompass cases more geographically extensive cases of misreporting. Because two locations in a census block group will generally be more similar than two locations in a census tract, a higher standard of evidence will be required to establish the likelihood that the location is in fact underserved, both in terms of the number of locations (the median Missouri census tract has three census block groups, which could be challenged individually on the basis of just 18 challenges) and geographic distribution (through the requirement that a challenge be filed in every census block group).

State Modification: Technology and Availability Challenges

Each type of challenge and each technology and provider is considered separately, i.e., an availability challenge (A) does not count towards reaching the area threshold for a speed (S) challenge, except that challenge category (A) and challenge category (T) will be counted together. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

Rationale for State Modification to Model Process (Technology and Availability Challenges)

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13 For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

While distinguishing between these challenge types is reasonable for the purposes of setting the evidence required for challenges and rebuttals, distinguishing between them for the purpose of triggering area challenges is not. Because broadband service is reported by technology in the FCC data (and because challenges are treated separately by technology for the purposes of area challenge), every availability challenge to a specific instance of broadband service also indicates that the technology listed is not available, and every technology challenge indicates that the broadband service reported by the provider using that technology is not actually available.

State Modification: Carrying Over FCC Challenges

Broadband serviceable locations where successful challenges were filed through the FCC challenge process will be counted toward availability or technology area challenges against the challenged provider, technology, and challenge type. For instance, in a census block group where an FCC challenge was upheld for one location against a given provider and technology, five rather than six state challenges against that provider and technology in the same census block group would trigger an area challenge. Challenge records will be taken from broadbandmap.fcc.gov/data-download/challenge-data. All records from the January 31, 2023, posting of resolved fixed challenges (the first posting of resolved fixed challenges for the state of Missouri) through the December 31, 2023, posting will be considered in this process. The following entries in the outcome field will be treated as a successful challenge:

- Challenge Upheld - Provider Conceded
- Upheld - Service Change
- Challenge Upheld - Adjudicated by FCC

Rationale for State Modification to Model Process (Carrying Over FCC Challenges)

FCC challenges reflect relatively recent cases in which providers and challengers had an opportunity to provide evidence about the service available at a given location, subject to adjudication by a third party (the FCC), based on broadly similar evidence to the evidence required of challenges in the state challenge process. In some areas in Missouri an active community engagement process resulted in successful challenges to a substantial number of locations through the FCC challenge process. Without these modifications, these communities would actually be at a disadvantage in terms of correcting more widespread errors in the state challenge process, as successful FCC challengers would register as "served" and could not file a challenge that would count towards an area challenge.

Area or multi-unit MDU challenges for availability need to be rebutted with evidence that service is available for all BSL within the census block group, tract, or challenged MDU, e.g., by network diagrams that show fiber or HFC infrastructure or customer subscribers. For fixed wireless service, the challenge system will offer representative random sample of the area in contention, but no fewer than 10, where the provider has

to demonstrate service availability and speed (e.g., with a mobile test unit).14 A successful rebuttal of an area challenge will overturn locations where the challenge was triggered by the area challenge; the six or more challenges that triggered the challenge and any other challenges to individual locations can only be rebutted based on evidence specific to the location.

State Modification: Statewide Terms of Service Challenge

Upon determination that a data cap (D) challenge to a given technology offered by a given provider meets the standards outlined in step 2(a) of the challenge process, the state will administer a statewide terms of service challenge against the provider in question. A statewide terms of service challenge reverses the burden of proof for all broadband serviceable locations in the state associated with the same provider, technology, and broadband download and upload speed.

The challenge can be rebutted with evidence that a specific set of broadband serviceable locations can subscribe to service without an unreasonable capacity allowance, including terms of service for the plan and the specific locations where it is available.

Rationale for State Modification to Model Process (Statewide Terms of Service Challenge)

Data caps pose a special challenge in the implementation of the state challenge process because the FCC did not attempt to collect this data through the Broadband Data Collection or validate data caps through their challenge process. Provider network management strategies are not custom-built for each customer, and a determination that one location is subject to a data cap likely indicates that other locations in the state are similarly situated. Service with different speeds is treated separately for the purposes of this challenge because in many cases these speed tiers represent the availability of different subscription options possible associated with different terms of service, including different capacity allowances. Treating these different tiers of service separately reduces the risk that state-wide terms of service challenges will incorrectly result in overturning service not subject to a cap.

Speed Test Requirements

OBD will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test shall consist of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Speed tests can take five forms:

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14 A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.

- A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC),
- ONT (for FTTH), or fixed wireless subscriber module.
- A reading of the speed test available from within the residential gateway web interface.
- A reading of the speed test found on the service provider's web page.
- A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using an NTIA-approved Speed Test.15

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
- Each group of three speed tests must include:
- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by the Eligible Entity, that grants access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.

The IP address and the subscriber's name and street address are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

Speed tests may be conducted by subscribers, but speed test challenges must be gathered and submitted by units of local government, nonprofit organizations, or a broadband service provider. OBD's mapping portal will provide a tool subscribers may use to take speed tests and submit them to an eligible challenger.

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15 NTIA has approved the following applications for conducting speed tests: (1) Ookla (https://www.speedtest.net/); (2) M-Lab (https://speed.measurementlab.net/#/); (3) Cloudflare (https://speed.cloudflare.com/); and (4) Netflix (https://fast.com/).

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. If the household subscribes to a speed tier of between 25/3 Mbps and 100/20 Mbps and the speed test results in a speed below 25/3 Mbps, this broadband service will not be considered to determine the status of the location. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served or underserved. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule16, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, OBD will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. OBD also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Relevant stakeholders can sign up on OBD's website (ded.mo.gov/office-broadband-development) for challenge process updates and newsletters. These channels will also be used to inform stakeholders about upcoming deadlines over the course of the challenge process. They can engage with OBD by a designated email address (broadband@ded.mo.gov). Providers will be notified of challenges by email.

For the purposes of contacts with providers, OBD will create a list of providers potentially subject to challenge, including providers with funded commitments subject to

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[16] The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. *See* BEAD NOFO at 65, n. 80, Section IV.C.2.a.

deduplication and any provider offering wired or licensed fixed wireless service at speeds over 25/3 Mbps. OBD will draw on existing contact lists maintained by OBD and other publicly available contact information to reach out to each provider that might be subject to a challenge to determine an email address which will be checked regularly for updates about the challenge process. OBD will further reach out to associations representing the interests of internet service providers, including but not limited to the Missouri Cable Telecommunications Association, the Missouri Telecommunications Industry Association, the Association of Missouri Electric Cooperatives, Missouri Broadband Providers, the Missouri Public Utility Alliance, and others to ask for contact information and help contacting their membership. Outreach to local governments will be conducted through the Missouri Association of Counties and the Missouri Municipal League. OBD will also publicize opportunities for potential participants in the challenge process to reach out to provide authoritative contact information OBD can use over the course of the challenge process on the OBD website and to OBD's email list of broadband stakeholders.

Beyond actively engaging relevant stakeholders, OBD will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the provider, nonprofit, or unit of local government that submitted the challenge,
- the census block group containing the challenged broadband serviceable location,
- the provider being challenged,
- the type of challenge (e.g., availability or speed), and
- a summary of the challenge, including whether a provider submitted a rebuttal and whether OBD chose the challenge for field validation.

OBD will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, street addresses and customer IP addresses. To ensure all PII is protected, OBD will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

OBD will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal and state law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under the Missouri Sunshine Law, Ch. 610 RSMo, § 620.014 RSMo, or other Missouri statutes regarding closed or confidential records, that information should be identified as privileged or confidential. Otherwise, the responses may be made publicly available.

1.4.6.1   *If the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outline the proposed sources and requirements that will be considered acceptable evidence.*

Not applicable.

1.5   Volume I Public Comment

1.5.1   Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

a. The public comment period was no less than 30 days; and

b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

OBD conducted a public comment period for Initial Proposal Volume I from October 23, 2023 to November 26, 2023. OBD engaged in extensive outreach and engagement activities to encourage feedback during the comment period. The content of Initial Proposal Volume I was posted to ded.mo.gov/getconnected, the webpage established as a source of information about OBD's IIJA-funded broadband programming over the course of the last year. Emails were sent to addresses that signed up for updates on OBD's broadband programming at the opening of the comment period and shortly before the period closed. The opportunity to participate in the comment process was promoted at stakeholder engagement events ahead of and during the comment period, including a well-attended state broadband summit. To facilitate actionable public comments, OBD provided an online form that allowed commenters to associate their comments with particular elements of Initial Proposal Volume I, either through a short survey allowing comment on several broad thematic elements of Initial Proposal Volume I or a longer survey posing more detailed questions about elements of Volume I. OBD received 70 responses through the "short form" survey and 52 through the "long form" survey.

Several themes emerged over the course of the comment period. Notable themes included:

2   Several commenters asked OBD to treat licensed fixed wireless service as "unserved" or "underserved", analogous to the treatment of DSL service. In line with the guidance in the BEAD NOFO about the definition of Reliable Broadband Service, and the tailored reasoning behind treatment of DSL service, OBD declined to do so. The modified challenge process proposed by OBD should provide opportunities for challengers concerned with the accurate depictions of broadband service to address some of the concerns evinced in these comments.

3   Some commenters asked OBD to decline to adopt the optional challenge module treating DSL service above 100/20 Mbps as "underserved" or to allow this modification to be overturned on the basis of evidence submitted by the affected provider. OBD declined to do so. The rationale behind NTIA's module is grounded not in the service available at DSL locations in the present but on the level of service likely available to these location "in the foreseeable future."

4   Some commenters asked OBD to exempt service provided by fiber from some or all elements of the state challenge process, on the grounds that fiber service is not subject to performance issues that make challenges appropriate for other technologies. OBD declined to do so. To the extent this service does not have these issues, the rules of the challenge process should generate fewer challenges without adding an explicit assumption for fiber service. In the potentially rare cases where this is not the case, it would still be important that challenges be allowable for affected locations.

5   Commenters expressed concern about the burden placed on OBD and rebutters during the challenge process, especially due to the short, 15-day window allowed for rebuttals. On the basis of these comments, that period has been expanded to 30 days.

6   Commenters expressed concern that the window for planned service (initially June 30, 2024) was too short and would potentially allow overbuilding of soon-to-be completed broadband deployments. On the basis of these comments, OBD will recognize planned service challenges provided the service will be deployed by December 31, 2024.

7   OBD received comments on the proposed definition of community anchor institutions. For a description of changes and clarifications of the definition made based on these comments, section 1.3.1.

*1.5.2   As an optional attachment, submit supplemental materials to the Volume I
submission and provide references to the relevant requirements. Note that only
content submitted via text boxes, certifications, and file uploads in sections
aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed,
and supplemental materials submitted here are for reference only.*

Not applicable.

BEAD VOLUME TWO

Project Selection and Program Rules

2.1 Objectives (Requirement 1)

2.1.1 Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five Year Action Plans.

Copied from Missouri's Five-Year Action Plan.

Goals

Infrastructure and Availability: Missouri will connect all Missourians to high quality, affordable broadband irrespective of their location within Missouri.

Sustainability: Missouri will build the ecosystem necessary to sustain those connections and ensure that connectivity in Missouri continues to improve beyond the lifetime of current broadband programming.

Adoption and Impact: Missouri will reduce digital inequities and ensure all Missourians are able to take full advantage of the opportunities afforded to them by broadband expansion.

Objectives

Broadband Deployment: In 2019, Missouri's Broadband Plan committed to "prioritize activities to achieve universal access to high-speed Internet, with speeds of at least 100 Megabits per second (Mbps) download and 20 Mbps upload, for all Missouri citizens by 2028" with a related milestone of 25/3 Mbps connections to 95 percent of Missourians by 2025. As of the end of 2022, the FCC National Broadband Map shows reliable 25/3 Mbps service to 84% of Missourians and reliable 100/20 Mbps service to 78% of Missourians.

Missouri was the recipient of several previous funding programs. With the provision that some already existing funding programs with a large footprint in Missouri, including the FCC's Rural Digital Opportunity Fund (RDOF), do not require completion of projects before 2028, Missouri recommits to this goal. In the case that every location cannot be reached by that date, Missouri further commits secure reliable, high-speed broadband internet service or a specific plan to provide service (an identified provider, project, timeline, and source of funding) for every unserved and underserved Missourian within the next five years through the strategies outlined in this Five Year Plan. The Office of Broadband Development (OBD) in the Missouri Department of Economic Development (DED) will document and publish records of these commitments so members of the public can understand the plans for their home or business and to promote accountability for broadband funding agencies, including OBD, and funded providers.

Sustainability: Missouri will identify and develop strategies to sustain coverage in areas at risk of losing service beyond the five year window. OBD will track trends in reported broadband data to identify locations losing coverage and locations where coverage has not kept up with evolving demands for broadband connectivity. Missouri will build

an ecosystem beyond OBD and across the non-profit, for-profit, and government sector to continue the work of connecting all Missourians. OBD will attempt to formulate "succession plans," including identification of a new responsible organization, for OBD activities that are still of value for promotion of connectivity in Missouri (including, for instance, maintenance of relevant datasets, public-facing resources for understanding Missouri's broadband availability, and technical support resources for broadband stakeholders) that OBD cannot continue to perform in the future due to resource or capacity constraints.

Broadband Adoption: Missouri will develop strategies to promote uptake of new and existing broadband options. OBD will aim to achieve adoption rates on future OBD awarded grant-funded projects meaningfully higher than the rate achieved by previous grant programs.

Digital Opportunity: Through the strategies documented in this document and in Missouri's Digital opportunity Plan, Missouri will reduce the relationship between poverty, rurality, and poor broadband access and adoption rates as documented in the American Community Survey, FCC National Broadband Map data about broadband availability, and the 2023 Missouri Internet Survey. Without discounting the importance of home internet access, Missouri will also encourage investments in improved connections for community anchor institutions which often serve as a connection-of-last-resort for otherwise unconnected Missourians. OBD will document baseline broadband availability and need for community anchor institutions across the state, improve the share of community anchor institutions with broadband availability that matches their needs, and publish information about community anchor institutions to ensure Missourians can take full advantage of these resources.

Affordability: Missouri will leverage grant funding and other office activities to promote affordable access to the internet across the state of Missouri. Missouri will take measures to increase the share of locations with multiple high-speed, reliable broadband service options, as documented on the FCC National Broadband Map, promoting competition and lowering costs. For unserved and underserved locations where grant funding can subsidize only one new broadband provider, OBD will prioritize funding to providers that make commitments that will ensure broadband availability. Missouri will encourage enrollment in programs that subsidize broadband access for low-income people, including the Affordable Connectivity Program (ACP). Missouri will also create a Middle-Class Affordability Plan to make internet more affordable for more Missourians.

Economic Growth and Job Creation: Missouri will encourage the creation of a healthy ecosystem of internet service providers capable of sustaining new broadband development using diverse funding streams beyond the lifetime of current broadband grant programs. Missouri will foster the development of a highly-skilled, stable workforce based in Missouri capable of establishing and expanding the state's broadband infrastructure.

2.2   Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

2.2.1   Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

See Section 2.3 for Missouri's combined narrative regarding Requirements 2 and 4.

2.3   Local Coordination (Requirement 4)

2.3.1   Describe the coordination conducted, summarize the impact such impact has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

Inserted from Five-Year Action Plan with minor additions.

Stakeholder Engagement Process

OBD (OBD) has conducted significant stakeholder engagement since the inception of OBD and over the course of preparation for the BEAD program. During the planning phase of both the BEAD program and DEA our office has remained transparent and available to our stakeholders. Our stakeholder engagement process includes communication, collaboration, and coordination across diverse groups of stakeholders, including all covered populations as outlined in the DEA Notice of Funding Opportunity. Covered populations were reached in several different ways including listening sessions, informational meetings, a Missouri internet survey, and state cohorts which are described in more detail below. The Regional Planning Commissions and St. Louis County Library system were tasked with creating regional lists of stakeholders, especially those that are classified as a covered population for outreach efforts from OBD.

The local coordination parameters outlined in the BEAD NOFO were considered throughout the planning process and OBD's stakeholder engagement efforts including:

- Full geographic coverage;
- Meaningful engagement and outreach to diverse stakeholder groups;
- Utilization of multiple awareness and participation mechanisms and different methods to convey information and outreach;
- Establishment, documentation, and adherence to clear procedures to ensure transparency; and
- Outreach and engagement of unserved and underserved communities, including historically underrepresented and marginalized groups and/or communities.

The following sections describe how OBD incorporated and will continue to incorporate, the local coordination parameters in their efforts.

In-person regional meetings/listening sessions/informational sessions

Our office partnered with the Regional Planning Commissions and the St. Louis County Library system, as well as the University of Missouri system to engage stakeholders within their region of the state by means of sending emails, phone calls, flyers, and connecting with local businesses and organizations to ensure our correspondence is reaching as many citizens around the state. This allowed for a complete geographic coverage of the state. Without strong partnerships like these OBD would not have had as robust of an outreach campaign.

The Regional Planning Commissions and the St. Louis County Library hosted and promoted in-person regional engagement meetings. In October and November 2022 OBD conducted their first round of listening sessions across the state. These sessions allowed stakeholders to have their voices heard about what the challenges and barriers are on a regional basis. We split the time at the meetings between the BEAD program and the DEA. The first part of these meetings was a presentation on the BEAD program where we shared maps and statistics on a regional basis and information from the Notice of Funding Opportunity. The second part was a presentation on the Digital Equity Act. At the end of each part, we opened the meeting for discussion and encouraged attendees to share their experiences about access, affordability, and adoption of the internet. We offered a virtual and phone in option for those who may not have been able to attend in-person. During these 23 listening sessions we heard from over 625 Missourians in the 19 regions of the state. Stakeholders we heard from include, but are not limited to: citizens, local government representatives & elected officials, Internet Service Providers, electric coops, CWA, Farm Bureau, USDA, digital inclusion organizations, libraries, schools, banks, chambers of commerce, health care entities, Regional Planning Commissions and University of Missouri Extension.

The findings of these listening sessions are vital to the state receiving federal funding for the expansion of Internet service and the support of digital opportunity services and programs to connect all Missourians. OBD asked the same prompt questions at all locations to spark conversation. The data below was aggregated into themes based on responses from each of the locations. Key takeaways about the challenges and barriers to broadband and digital inclusion from these meetings include the following.

What one thing could federal, state, or local government do to remove roadblocks to expanding Broadband infrastructure in your communities? (Examples, workforce, terrain, lack of providers, right of way access, cost to construct)?
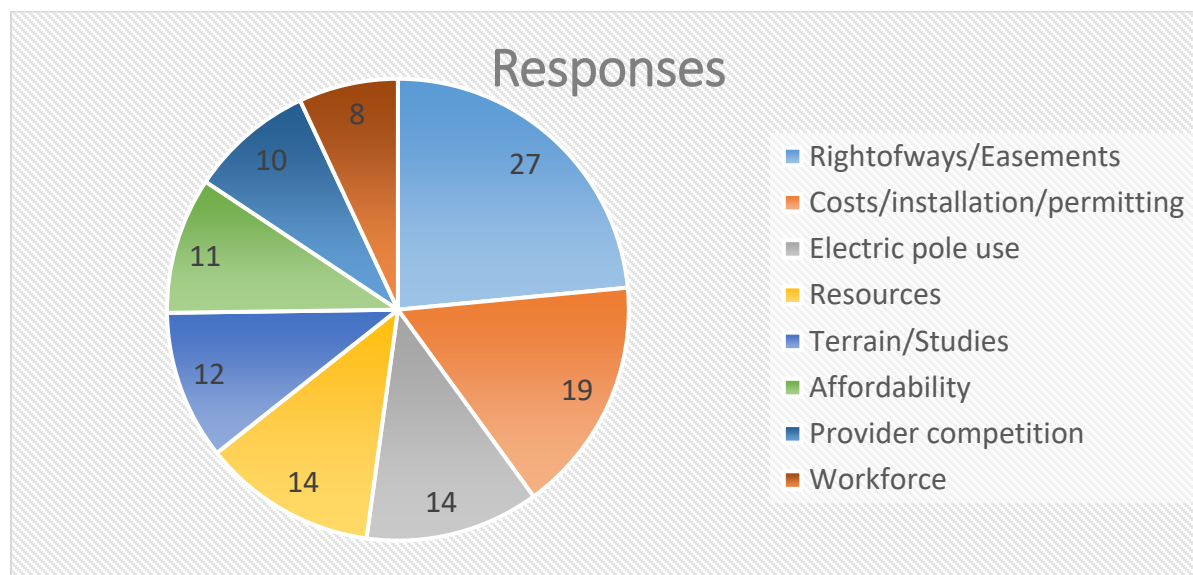
Data from fall 2022 regional engagement listening sessions.

What should providers know to better address local government needs?
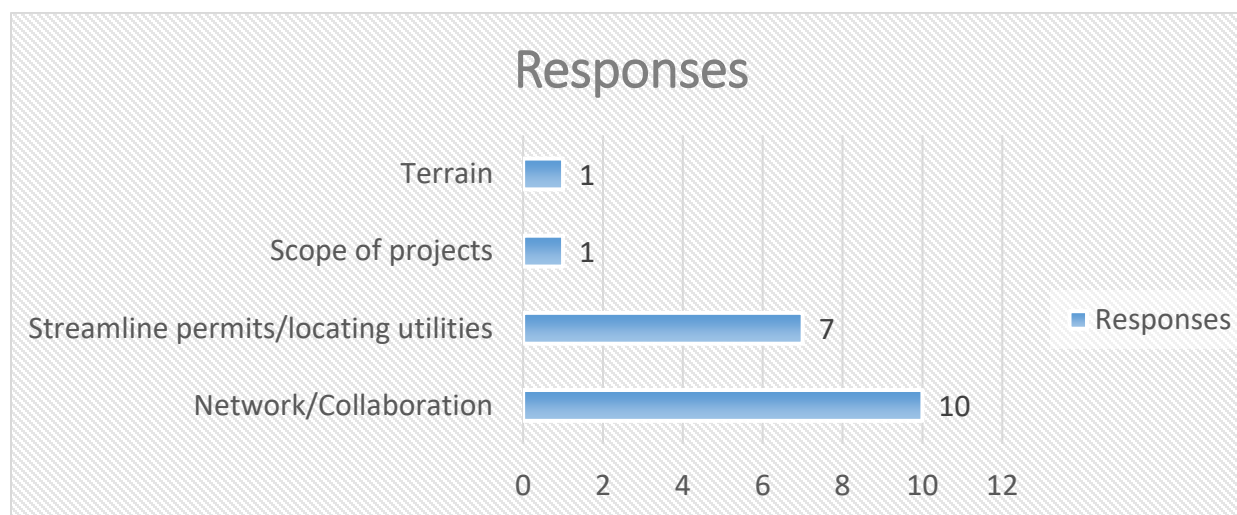
Figure 1: Data from fall 2022 regional engagement listening sessions.

What commitments can local governments make to ease the process of getting projects underway?
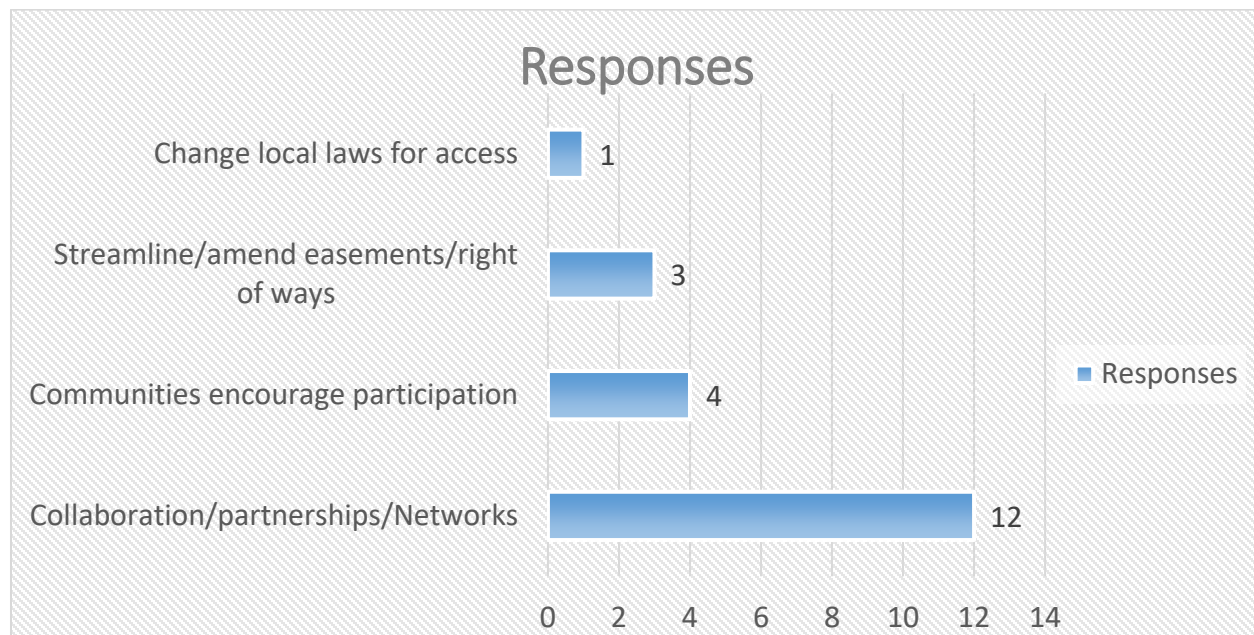
Figure 2: Data from fall 2022 regional engagement listening sessions.

What resources are there in the community to address workforce shortages?

Figure 3: Data from fall 2022 regional engagement listening sessions.

What services are currently being offered to provide access and devices to community members?

Figure 4: Data from fall 2022 regional engagement listening sessions.

How can we increase adoption\subscription of broadband and digital applications within your community?

Figure 5: Data from fall 2022 regional engagement listening sessions.

How will we know that we are successfully creating access to Broadband that is accessible and affordable for all citizens of Missouri?
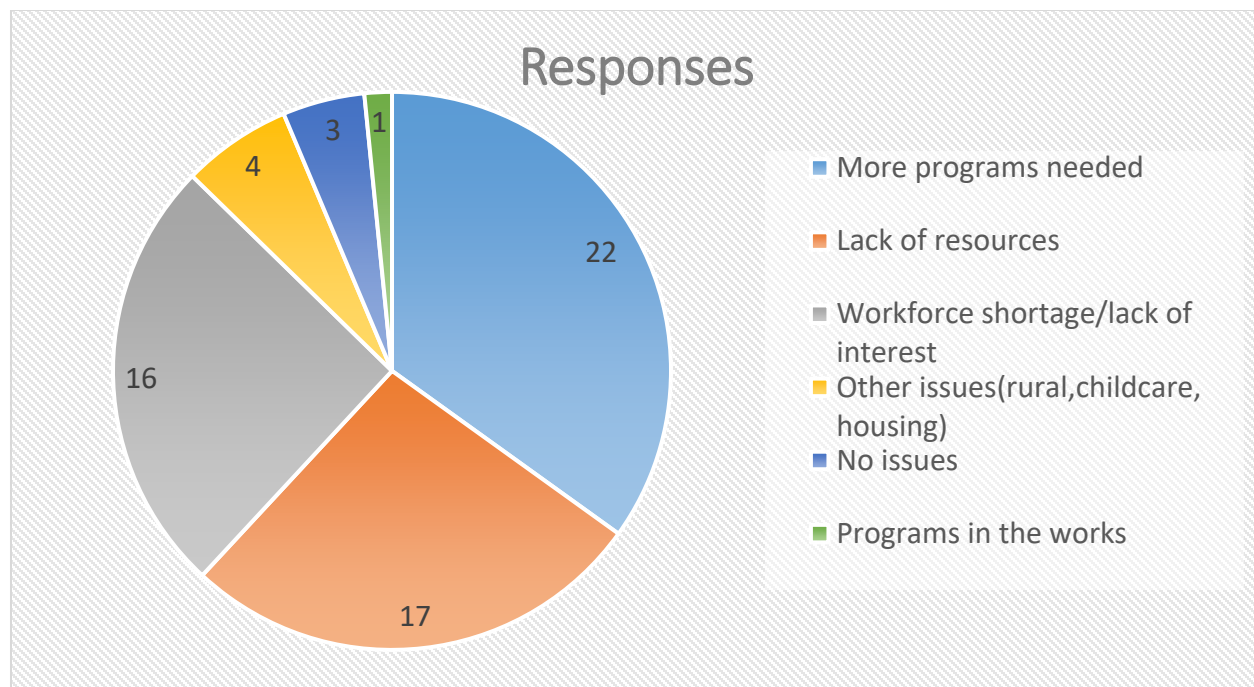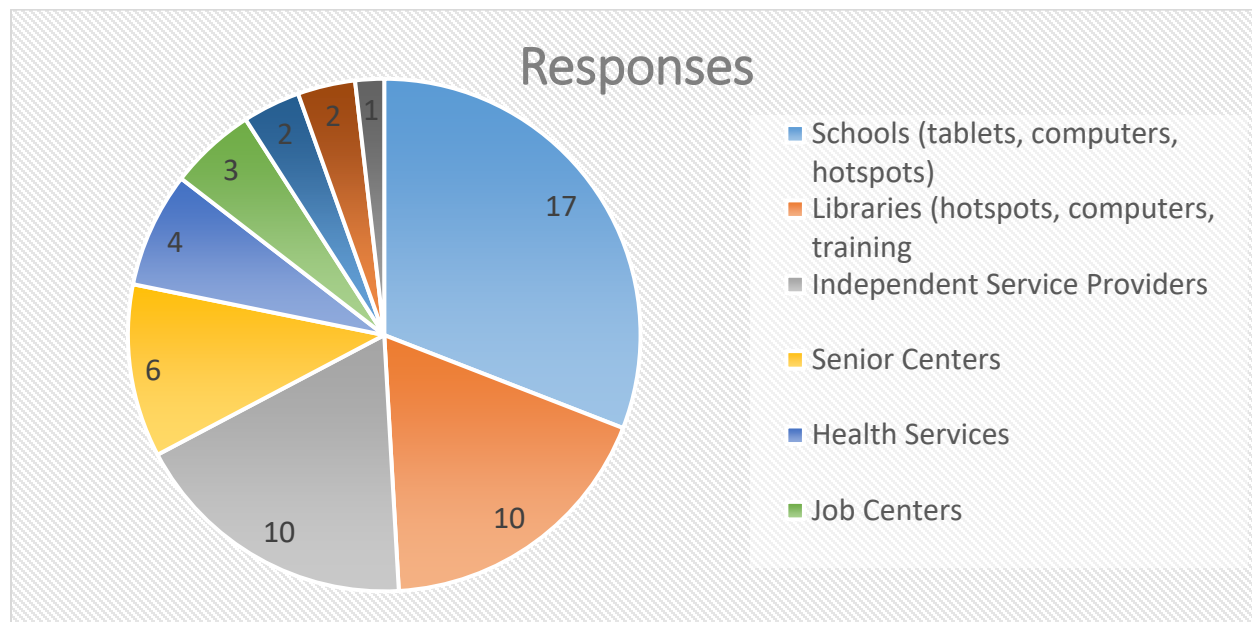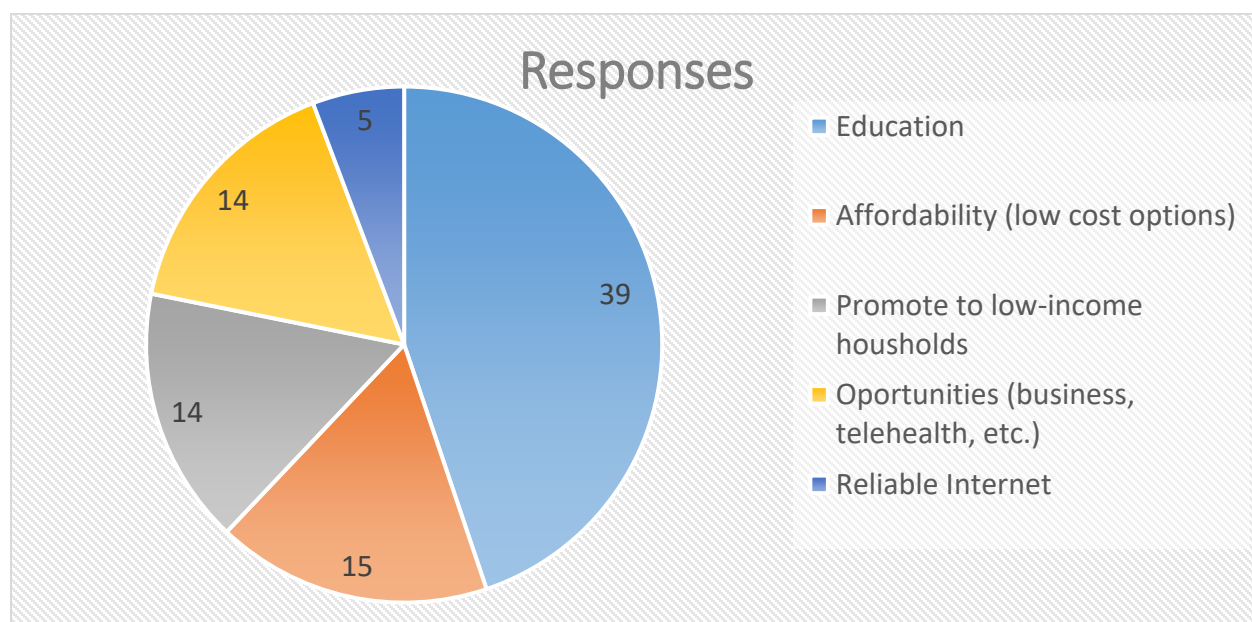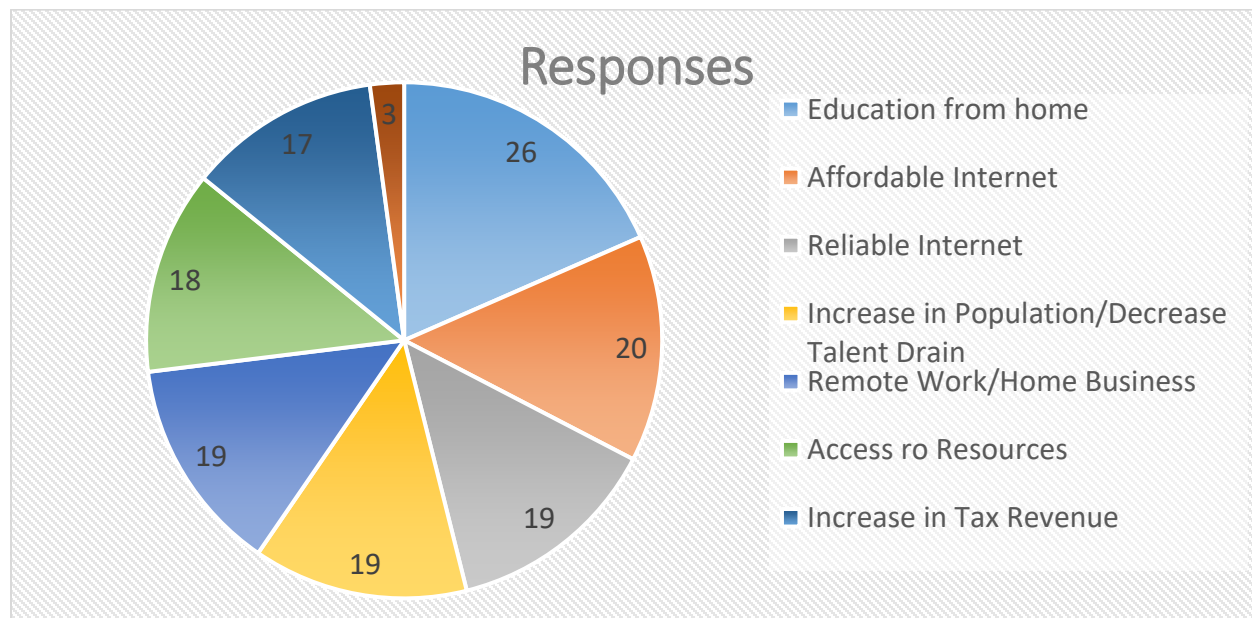

Figure 6: Data from fall 2022 regional engagement listening sessions.

While OBD heard many unique responses across the state, there were also a lot of similarities of the barriers communities are facing and possible solutions to those challenges.

In May and June of 2023 OBD conducted a follow-up round of in-person meetings. These public engagement sessions allowed OBD to present how we incorporated stakeholder input into our plans for BEAD and DEA and share current BEAD eligibility maps based on the counties within each region. It was also an opportunity to update our stakeholders on what to expect in the upcoming months and OBD's timeline for each of the programs. Stakeholders were able to ask questions and have further input on our plans. During our follow-up tour we visited the 19 regions of the state, with 20 separate meetings be held, while hearing from over 400 stakeholders statewide. We again offered the meetings virtually and by phone for anyone who may not have been able to attend in-person.

Promotion of these meetings included correspondence from OBD through email, social media, and monthly stakeholder calls, as well as the Regional Planning Commissions and St. Louis County Library promoting and reaching out to citizens and organizations within their region via virtual and in-person means and University of Missouri Extension offices doing the same.

Monthly stakeholder calls

OBD hosts monthly stakeholder calls on the last Friday of every month at 1:00 pm. These calls allow OBD to share any updates from what has happened during the month and what is to come in the next month(s). These calls allow stakeholders to have a chance

to ask questions and get a real-time answer. There are typically 50-100 stakeholders on the call every month. The call is virtual; however, we do record the call and post it on our website to allow for anyone that may not be able to attend to listen to it. OBD plans to continue these calls during the implementation phase of the BEAD and DEA programs.

Targeted audience stakeholder calls

After our in-person regional engagement sessions, OBD hosted audience specific stakeholder calls to not only hear from target audiences, but to also share information particularly pertaining to that group of stakeholders. To date we have hosted a statewide Internet Service Provider and Workforce Development call where MO 811 and MO Department of Higher Education and Workforce Development (DHEWD) (respectively) presented. We have also hosted regional Digital opportunity focused and FCC broadband map challenge process virtual calls with each of the 18 Regional Planning Commissions and the St. Louis County Library. These calls prove to be valuable for OBD to hear what challenges the groups may be facing and adds a chance to present pertinent information to these specific audiences at one time.

State, County, and Municipal Agencies & Associations

OBD has conducted meetings with DHEWD in regards to workforce and training needs. NTIA also hosted a meeting with the Governor's Office and representatives from DHEWD. The Missouri Department of Agriculture (MDA) has also been involved in broadband discussions and other state agencies have helped promote information shared from OBD.

OBD is in frequent contact with the Missouri Municipal League and Missouri Association of Counties. Our Office has provided content for newsletters and magazines published by both.

Media Campaign

In late 2022 OBD conducted a media campaign for the FCC broadband map challenge process. During this campaign OBD ran targeted radio and Facebook ads to encourage Missourians to participate in the challenge process. The radio ad aired 3,659 times during January 1-13, 2023 on rural stations to reach those who may not have access to high-speed internet. The Facebook ad reached 14,768 during the time it was active. OBD also mailed 20,000 postcards to targeted zip codes to encourage Missourians to review the FCC Broadband Availability map to ensure their address appeared on the map and was shown accurately. OBD was intentional about finding media capable of getting the message out to disconnected people to foster community engagement and reach hard to reach populations.

Survey

The 2023 Missouri Internet Survey provides insight into the infrastructure and digital needs of Missourians and will serve as a benchmark for measuring progress as broadband investments are implemented to benefit every corner of the state.

The online survey of 23 questions was developed to collect anonymous input from Missouri adults during the spring of 2023. A review of other internet service and digital capital household surveys informed the development of these questions to ensure important data was collected while the survey remained smartphone-friendly to improve outreach to households without home internet service.17 A Spanish-language version was also made available. The recruitment material – including a postcard and flyers – and survey were approved by the University of Missouri's Institutional Review Board.

An important aspect of this survey was the need to gather enough representative samples from eight focus populations, designated by the Digital Equity Act, to ensure their feedback could be included in this report. Many of these groups – such as formerly incarcerated individuals – are relatively small populations making it difficult to achieve a high number of random responses. To achieve a sufficient level of responses for these focus populations, several concurrent activities were taken by the University of Missouri and other organizations supporting this effort:

80,000 postcards with QR codes were mailed by the University of Missouri to random Missouri households, with oversampling used to increase mailings to zip codes where a higher proportion of focus population households resided.

Social media outreach from the University of Missouri Extension Program, Missouri Department of Economic Development, Missouri Governor's Office, the Missouri Chamber of Commerce, and other organizations helped tremendously in raising public and media awareness.

The University of Missouri Extension, regional planning commissions, and several state agencies, notably the Department of Social Services and Corrections, used newsletters and e-mails to raise awareness and to pass along a flyer that could be posted at organizations or stores to increase survey visibility.

This multi-pronged approach was critical to reaching Missourians across the state and resulted in over 8,700 individuals starting the survey with 7,504 completing it (86% completion rate). The large response level provided enough information to report figures for the eight focus populations along with many other sub-populations.

Like many random surveys, the population of respondents rarely mirrors the overall population in terms of age, income, race and education levels. Respondents to this survey were generally more high-income, older, white, educated, and rural than the overall population (see Exhibit 1).

While the survey response levels for different sub-populations were sufficient for reporting, and focus population outcomes were necessary, weighting was used to

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[17] A well-designed digital capital survey, created by the Purdue Center for Regional Development and the Southern Rural Development Center, was shared by Dr. Roberto Gallardo and served as an important resource in question development (see Understanding the Digital Equity Landscape for information on their survey findings).

adjust the overall respondent percentages to better reflect a survey average representing Missouri's population distribution. Household income weights were used to adjust the survey average which increased the influence of lower-income respondents because their responses typically differed significantly from other populations. Lower-income respondents were also more representative of Missouri's citizens in terms of race and educational attainment.

The survey results are presented under three major themes:

Internet Service Access and Adoption

Exhibit 1. Missouri Internet Survey Respondent and Census Distributions

Survey and Census Distributions		
Groups	**Survey**	**Census**
Household Income		
Less than $35,000	18%	28%
$35,000 to under $74,999	31%	31%
$75,000 to under $99,999	19%	13%
$100,000 or more	32%	27%
Respondents (N)*	6,022	
Age		
18-34	11%	22%
35-64	59%	38%
65 and over	30%	17%
Respondents (N)*	7,231	
Race or Ethnicity		
White, alone	91%	80%
Non-White	9%	20%
Black or African American, alone	4%	11%
Hispanic, Latino, or Spanish origin	2%	4%
Respondents (N)*	6,930	
Educational Attainment		
High school degree or less	12%	40%
Some college or AA degree	31%	30%
Bachelor's degree or above	57%	31%
Respondents (N)*	7,288	
Area		
Metropolitan Counties	59%	87%
Nonmetropolitan Counties	41%	13%
Respondents (N)*	7,377	
Higher Access: > Half of Served Locations with 25/3+ Mbps	86%	95%
Low Access: < Half of Served Locations with 25/3+ Mbps	14%	5%
Respondents (N)*	7,504	

Respondents who did not give an answer are not shown

Figure 7: Missouri Internet Survey report Exhibit 1

The internet services section asked questions regarding the devices and internet services respondents used at home. It included questions on internet access and adoption, the cost and types of home internet services, willingness to pay for devices and services and home internet challenges.

Internet Activities

The internet activities section asked questions about the use of home internet for work or other activities for those with and without internet services. Comparing the activities of respondents with internet access to the desired uses of respondents without access shows where expectations differ from reality.

Internet Assistance and Concerns

The internet assistance and concerns section asked questions about internet, device or resource training or assistance interest. Another question asks where respondents would likely go for internet or device assistance. A final question asks about concerns respondents have with internet usage.

Advisory council

OBD of Broadband has formed an advisory council to provide guidance and serve in an advisory capacity throughout the planning process for the BEAD and DEA programs. The advisory council will provide guidance and advice on the compilation of the BEAD

5-year Action Plan, Initial Proposal and Final Proposal as well as the state Digital opportunity Plan.

The council members will be asked to:

- Contribute to the state's plan for BEAD funds and efforts to improve the state's broadband infrastructure.
- Contribute to the state's plan for DEA funds and efforts to help Missourians overcome non-infrastructure barriers to getting online.
- Advise the state on policy questions and program design.
- Provide comments on draft policy documents.
- Identify digital connectivity needs across the state and propose tools to address those needs.
- Serve as ambassadors in and beyond their geographic and professional communities, encouraging participation in broadband planning efforts.

OBD plans to convene the Advisory Council two times in person in Jefferson City and several virtual meetings throughout the planning process. Each member will be asked to engage their respective stakeholders and represent their geographic and professional communities and the interests of the public. The Advisory Council is composed of representatives from underrepresented communities.

Focus groups

The University Missouri St. Louis (UMSL) Community Innovation and Action Center conducted a statewide focus group in order to better understand the broadband needs and challenges of Missourians across the state. In order to better use and distribute funding to achieve digital opportunity in the state of Missouri, it is necessary to understand the barriers Missouri citizens encounter when accessing broadband and how broadband access, or lack thereof, affects their daily lives. These focus groups, along with other data collection methods, allow for a greater understanding of the issues Missourians are facing when it comes to broadband access.

Fourteen focus groups of up to 12 participants were planned. Census data was used to select locations representing demographic and geographic diversity (see full report). Considerations included the region of Missouri (northeast, northwest, southeast, southwest, east central, or west central), whether the location was urban or rural, overall population demographics, and the feasibility of holding a group in each area. Based on this information, towns were chosen from which to recruit. These included: Eminence, Maryville, Clinton, Edina, Kennett, Kansas City, St. Louis (city and county), Columbia, and Springfield. Participants were offered both in-person and online (Zoom) options, so they could choose the participation method that worked best for them. As data emerged regarding participation rates, the team noted that the online option was preferred by many participants. Therefore, as the number of Zoom options increased, the initial list of locations was expanded to include additional cities and towns across the state of Missouri.

Ultimately, there were 20 focus groups in total with the first occurring on May 16, 2023, and the final focus group taking place on July 6, 2023. Of the 20 focus groups, 11 took place on Zoom with 9 occurring in person. The in-person group locations included St. Louis County, Kansas City, Columbia, Kennett, and Eminence. The Zoom groups featured one Spanish-speaking group and included participants from across the state of Missouri which provided for a more balanced sample. See Figure 1 below to see the geographic spread of the participant locations. The average number of participants in attendance at each focus group was 8 to 9 participants with the smallest focus group containing 4 participants and the largest containing 16 participants.

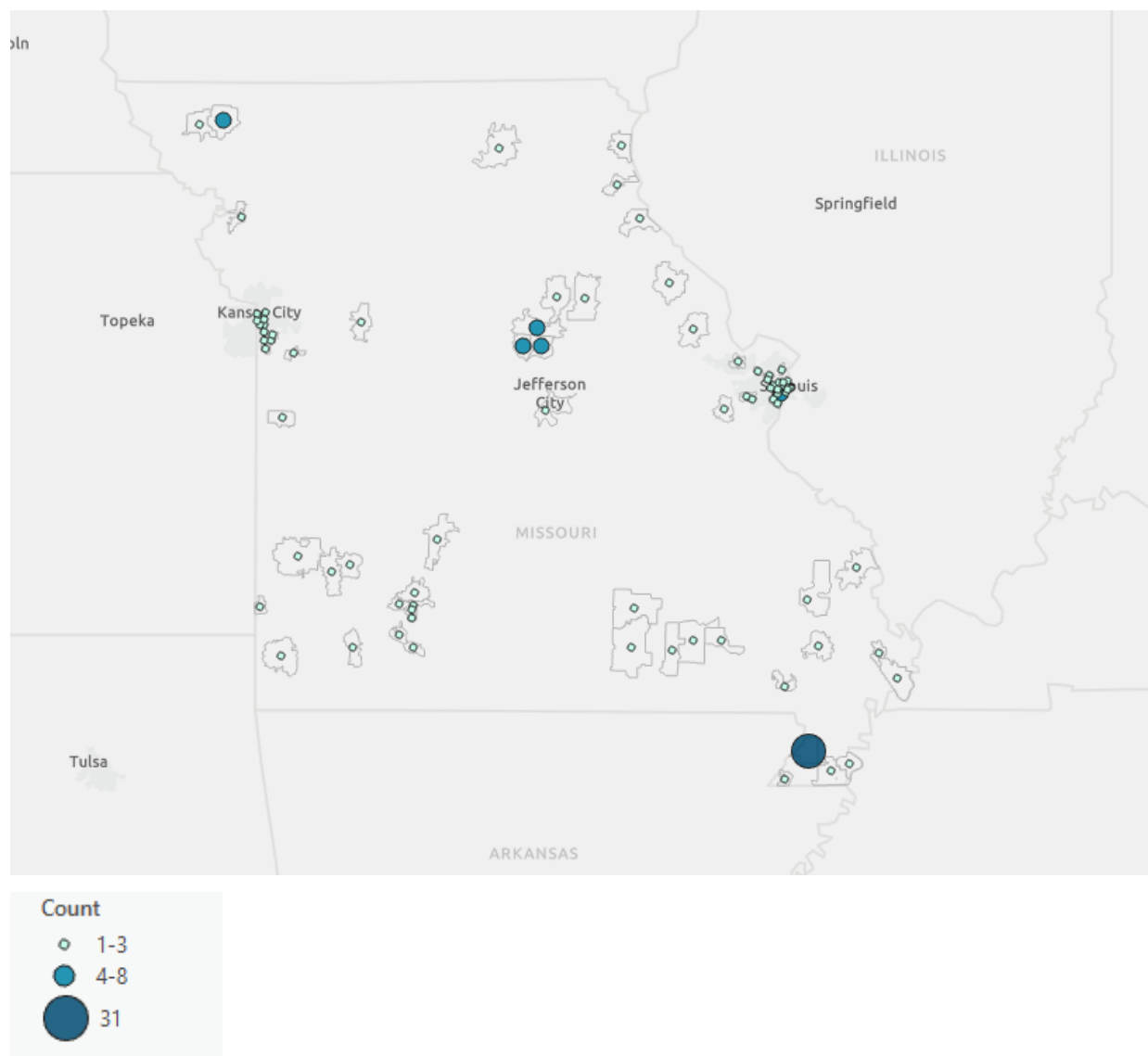Figure 8: Missouri Digital Inclusion Asset Mapping: Focus Group Study

In conclusion the focus group found that aside from the fact that, today, many jobs require the internet, either to connect by phone and check email, or to operate agricultural businesses and small businesses, the vast majority of Missourians need the internet to access assistive technologies, physical and mental health services, public

transportation schedules, language translation services, unemployment benefits, job applications, bills and more. Given this, internet access has become a basic necessity.

Internet access is not only necessary, but it is critical to achieving equity and inclusivity in Missouri's community, economy, and culture. As illustrated in the previous section, historically disadvantaged groups, too, rely on high-quality and affordable internet access, and need it for all the same reasons mentioned in the previous paragraph. Findings from the 20 focus group discussions across Missouri suggest that rural communities, low-income households, BIPOC and disabled people are disproportionately impacted by weak, costly, and unreliable internet access.

As this analysis reveals, many participants across the state of Missouri have lost jobs, or missed out on new professional opportunities because their internet access is unreliable and inconsistent. As a result, families and households suffer, small businesses and large ones are hindered, the tourism sector slows, and the Missourian economy slows. Students fell behind during and after the COVID-19 pandemic because they were unable to access their learning materials at home.

On the contrary, when individuals and communities have access to reliable, high-speed internet, the benefits are innumerable. Communities can connect with and support each other, individuals in need can find the resources they need, children and youth can learn and grow up to become educated, civically-engaged, and impactful members of the Missouri workforce and economy.

These focus groups demonstrate the need for improved internet access across Missouri, particularly for underserved populations.

Missouri Digital Asset Mapping Tool

The University of Missouri Center for Applied Research and Engagement Systems (CARES), in partnership with the University of Missouri System Broadband Initiative, integrated and contextualized broadband data to assist OBD in planning for and carrying out statewide broadband expansion efforts.

One of the primary results of those efforts was the construction of a publicly available asset inventory of the resources available to assist Missourians with issues of digital connectivity. CARES designed and developed a dynamic data collection tool to support rolling information capture about broadband-related resources. A Qualtrics survey was developed to capture digital assets. The [Missouri Digital Asset Map (MoDAM)](#) aims to collect assets and attributes such as digital literacy programs, basic and advanced computer classes, locations of public computers, organizations or programs that distribute hotspots, public Wi-Fi services, libraries, one-on-one technical assistance centers, and adult/workforce education programs, to not only assist in statewide planning, but to also assist public consumers in connecting to digital resources in and around their communities.

Ongoing stakeholder engagement and feedback mechanisms

As OBD has been working on these major processes of stakeholder engagement there have been other means of outreach happening in tandem. OBD sends out regular emails with updates to our broadband stakeholder listserv that currently has over 1,300 subscribers and other listservs housed within the Department of Economic Development. OBD has a webpage dedicated to the "Connecting All Missourians" initiative that is updated frequently to keep our stakeholders up to date. This is a central location for all project information, timelines, and activities. Our email broadband@ded.mo.gov is monitored daily as well as our phone number 573-526-1028. DED also has social media platforms that are utilized to share updates and information. OBD has partners that are willing to push information to their respective audience, including the University of Missouri Extension, state librarian, Regional Planning Commissions, and many other organizations that are included in Local Coordination Tracker for this effort. RPCs and others utilize local advertisement, flyers, in-person events, and word of mouth to share updates and information on a local basis.

To further ensure critical input during the planning process the Initial and Final Proposals will be posted for a 30-day public comment period. There will be short surveys stakeholders will be able to answer, along with being able to email and call our office to provide comment.

OBD will host a statewide Connecting All Missourians Broadband Stakeholder Summit in early November 2023. The BEAD Initial Proposal and state Digital Opportunity Plan will be posted for public comment during this period of time. Our Office will have printed copies of the plans and will allow time for public to provide feedback during this summit. The agenda will consist of several panel discussions including workforce development, Rights-of-Way, and other outside voices. Guest panelists will include, but are not limited to: CWA, DHEWD, contractor, MoDOT, MO811, Railroad representative, and others.

OBD will continue to engage with key stakeholders and reach out to those groups that have not yet been fully engaged.

2.3.2   Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note "Not applicable."

Not Applicable.

2.4   Deployment Subgrantee Selection (Requirement 8)

2.4.1   Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

BEAD subgrants18 will be awarded through a four-stage process: a pre-qualification period, a Request for Information process for drawing project areas, and two rounds of applications and awards.

Request for Information Process

A request for information (RFI) process will be used to solicit information about the territory in which providers plan to apply for BEAD funding. Providers will be asked to indicate areas of the state in which they plan to apply for BEAD funding to extend service to every BEAD-eligible home, business, and community anchor institution using end-to-end fiber networks. Projects submitted through this process will generally be required to include at least ten BEAD-eligible locations.

These submitted areas will be used to create application areas in which any eligible provider can apply for funding through the two round application process. Cases in which the submitted service areas of two providers overlap would become three application areas: an application area where the only applicant was Provider A, an application area where the only applicant was Provider B, and a third area where both Provider A and B submitted. Both providers would therefore be able to apply for their entire desired territory, with the application area generated by the overlap awarded on a competitive basis. This process is described in detail in section 2.4.6 of this document.

Subject to office capacity, NTIA approval of relevant elements of Missouri's Initial Proposal, and completion of the state's mapping portal, the request for information submission window is scheduled to take place over 45 days from Feb. 19, 2024, to April 3, 2024. Between April 4, 2024, and the opening of the state Round One application window, maps of application areas resulting from the Request for Information process will be published on a county-by-county basis as the resolution of challenges allows OBD to indicate the BEAD-eligible locations in each application area (which represent the deployment obligation associated with the application area).

Pre-Qualification

OBD will require applicants that plan to apply for BEAD funding to participate in a pre-qualification process to determine their eligibility for the program and collect

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18 OBD uses the terms "subgrant" and "subgrantee" in this document as it is used in the template provided by NTIA. OBD notes, however, that it expects awardees under this proposal to be "subrecipients" and the award will be a "subaward" as those terms are used in the Uniform Guidance, 2 CFR part 200, barring further guidance from NTIA on the "extent to which the Uniform Guidance applies to grants and subgrants under the BEAD program, if at all."

information that will be required of every applicant. By gathering this information before Round One of the application process begins, the process of submitting and reviewing applications during the course of the program can be simplified and focused on substantive elements of the proposal. Subject to office capacity, NTIA approval of relevant elements of Missouri's Initial Proposal, and readiness of OBD's grants portal the pre-qualification submission window for Round One is scheduled to take place over 45 days from April 17, 2024, to May 31, 2024, immediately preceding the opening of the round one application window. OBD will allow for subsequent curing of submissions provided a good-faith effort was made to submit required documentation in this period. OBD may open additional pre-qualification rounds ahead of later application rounds if new applicants indicate an interest in participating in later rounds.

Round One

Applicants will be permitted to submit a Round One application for each application area they propose to serve. Awarded Applicants will be required to bring service to every BEAD-eligible location (including unserved locations, underserved locations, unserved or underserved units in partially served multi-unit locations, and community anchor institutions with service of less than 1 Gbps/1Gbp) in their submitted application areas. Applicants will be able to apply for any application area in Round One, except in the case of application areas where the only BEAD-eligible locations are community anchor institutions. Any application areas falling into this category will not be open for applications in Round Two. The Round One application window opens June 1, 2024, and closes July 30, 2024 (60 days). Subject to the approval of relevant section of the BEAD Initial Proposal Volume II, applications will be reviewed from July 31, 2024, to September 28, 2024 (60 days), with awards announced on a rolling basis.

Maximum BEAD Outlay

OBD will assign a maximum BEAD subsidy for each application area before each round of application opens that is sensitive to the context-specific construction costs and is consistent with the extension of service to every BEAD-eligible location using Missouri's BEAD allocation. In other words, a maximum BEAD cost will be associated with each application area so that, if every application area in the state were awarded at the maximum possible outlay, the total BEAD outlay associated with those awards would not be greater than Missouri's available BEAD funding. This cap will control spending in Round One and Round Two to ensure that excessive early awards do not exhaust funding before a commitment is found for every location.

The cap will generally be set at a multiple of the Costquest Associates (CQA) modeled cost for a greenfield fiber network to the eligible locations in the application area. As an illustration, if the modeled cost to serve every eligible location in the state were two-thirds of Missouri's allocation, OBD might set each application area's maximum price at the modeled cost to serve the locations in the application area multiplied by 1.5. In this instance, this model is not being used as an estimate of the amount of money a given project should cost. Instead, the modeled cost allows OBD to make reasonable estimates about the share of the BEAD allocation that could reasonably be allocated

to a given project without putting other application at an undue risk of receiving no fundable applications. In general, OBD expects many projects to come in significantly below the maximum for several reasons:

Projects will be scored based on the portion of the maximum value they request, incentivizing applicants to reduce their requested cost.

Modeled costs (which will themselves be significantly lower than the cap) are based on Greenfield costs, while at least some applicants will be able to take advantage of existing infrastructure.

The maximum applies to the BEAD outlay, not the total projects cost. In most cases the BEAD outlay will not be the only funding associated with the project. A 25 percent match (the minimum under the program) would further increase the gap between the requested BEAD outlay and the cap.

Despite this, there will be cases where cost-drivers not captured by the model may make it impossible to propose a project for a given application area under this maximum. The overall undershoot in Round One (for the reasons listed above) will allow OBD to recalculate a higher maximum in subsequent rounds: every project funded at less than its "share" of the total BEAD allocation in Round One will generate funding that can be used to proportionately increase the cap for application areas in Round Two. These increases in the maximum will allow OBD to fund these unexpectedly high-cost locations as lower-cost locations are accounted for.

The maximum BEAD outlay for each application area will not be released to applicants during Round One. Applications that request more than this maximum will not be considered for funding in this round. This approach will encourage the most cost-effective possible applications in Round One, increasing the amount of funds available to increase the maximum outlay in subsequent rounds.

Treatment of Non-Fiber Projects

During Round One OBD will accept applications that plan to use any combination of Reliable Broadband technologies, as defined by the BEAD NOFO. Based on the applications received, OBD will set a preliminary Extremely High Cost Per Location threshold (EHCPLT) above which projects serving some or all locations using a Reliable Broadband technology other than end-to-end fiber can be funded in Round One. The threshold in round one is preliminary in the sense that it may be lowered in Round Two as necessary to secure projects for remaining locations.

OBD will issue an advisory figure before Round One begins indicating the likely range in which the preliminary EHCPLT will fall, based on the modeled investment needed to serve Missouri's BEAD-eligible locations using fixed wireless and fiber and the expected value of each type of network based on location cost modeling by CQA. This non-binding advisory figure will be used to help applicants interested in projects using non-end-to-end fiber technologies maximize their chance to receive funding.

In the interest of reaching the maximum possible number of locations using end-to-end-fiber, awards that would bring non-end-to-end-fiber to some or all locations will be awarded in Round One only in certain circumstances.

Only in cases where the cost per eligible location of every all-fiber proposal is above the preliminary EHCPLT will projects serving some or all locations using a Reliable Broadband technology other than end-to-end fiber be scored competitively against fiber and non-fiber projects and potentially be awarded funds.

The cost of the project serving some or all locations using a Reliable Broadband technology other than end-to-end fiber would still be subject to the maximum BEAD outlay.

If no all-fiber applications to serve the area are received, OBD will not be able to determine whether the cost of serving the area using fiber falls above the preliminary EHCPLT and will not award the area to a project serving some or all locations using a Reliable Broadband technology other than end-to-end fiber.

Overview

Awards will be made based on the score of an eligible application. All eligible applications will be scored regardless of the number of applications received for the application area. Awards will be made in the order of descending scores regardless of whether there was competition for the area (subject to a minimum score in areas with only one application (see point 5 of this section) and maximum BEAD outlay). In making the final award the maximum BEAD outlay applies regardless of whether there are competitive applications for the area. The award will be issued to the highest scoring applicant with a BEAD outlay below the maximum BEAD outlay, and no award will be issued if no application is received requesting less than the maximum BEAD outlay for the area.

The original application will always be scored. But when there are two or more eligible applications for the same service area, the Best and Final Offer (BAFO) Process for Competitive Proposals will be followed.

Best and Final Offer Process (BAFO) for Competitive Applications

When two or more applications are received for the same application area, OBD will score applications and then notify all applicants for the given area that the application area will be awarded competitively. These notifications will take place on a rolling basis as OBD finishes scoring all applications for a given area. In the final 15 days of OBD's 60-day review period, OBD will open a window in which the two applicants with the highest score will be allowed to submit a "best-and-final-offer" in which they may modify any forward-looking scored element of their application, including reducing the requested BEAD outlay. As the BAFO process may bring requested BEAD outlays beneath the maximum BEAD outlay, the BAFO process will be conducted even if one or both top-scoring applicants initially requested more than the BEAD outlay.

This competitive mechanism will incentivize providers to higher quality applications as they participate in the BEAD program. Only allowing the two applicants with the highest BEAD score to participate in this process is intended to disincentivize a strategy of submitting generally uncompetitive proposals in order to secure low-effort awards in uncompetitive areas, approving the proposals using the best and final offer process when necessary to compete for funding in competitive areas. Applicants employing this strategy would run the risk of being scored based on that noncompetitive proposal if more than two applicants submitted proposals.

After all competitive areas have been awarded, applicants will be notified of the application areas: (a) they were awarded, either as the only eligible applicant or through a competitive determination; (b) the areas they applied for but were competitively awarded to another applicant; and (c) the areas they applied for but were not awarded to any applicant because no eligible applicant requested less than the minimum BEAD outlay for the area. On the basis of this information, applicants will be given a brief window in which to indicate, based on the results, which application areas, if any, they are no longer able to provide service to on the terms laid out in their grant application. This mechanism acknowledges situations in which the business case for a project depends on receiving funding to serve neighboring areas and allows for quick resolution of cases where the results of the competitive scoring process make related applications no longer viable. Areas declined at this stage will either be awarded to the next-highest scoring eligible applicant or, if there was no other eligible applicant, made available in subsequent application rounds.

After indicated application area awards have been dropped through this process, all application areas awarded to a single applicant will be treated as an inseparable unit. Should a provider later decline to proceed with an awarded application area, either by notifying OBD of their decision or by failing to proceed in a timely manner toward a signed grant agreement, all awards for that applicant will be withdrawn from the initially awarded applicant and either awarded to the next-highest scoring eligible applicant or, if there was no other eligible applicant, made available in subsequent application rounds. Decisions to decline awards on this basis may be grounds for reexamination by OBD of the declining provider's financial, managerial, technical, and operational capacity, potentially resulting in exclusion from future grant rounds.
Minimum Scoring Threshold

OBD will award funding in Round One in noncompetitive application areas (one eligible application) only to applications that achieve a minimum score of 160 points. This threshold will allow applicants flexibility to consider trade-offs between different elements of their application while preserving OBD's ability to seek alternatives in application areas where an award to the only Round One applicant would appear to represent a poor investment of BEAD funds. For the purpose of determining whether the minimum scoring threshold applies, "competitive application areas" are defined as areas with at least two all-fiber proposals below the maximum BEAD outlay for the area or areas with one all-fiber proposal above the EHCPLT and below the maximum BEAD outlay for the area and a non-all-fiber proposal.

Sub-round for Application Areas with No Applications

After the primary window for Round One applications has closed, OBD will announce a list of application areas with no applications for Priority Broadband Projects -- at any score and BEAD outlay – and invite applications for funding to serve these applications areas during a 30-day window constituting a sub-round of application Round One. The rules structuring Round One will continue to apply through this sub-round Providers that wait to submit proposal until this sub-round would risk another applicant submitting a proposal for the area in the main round, precluding applications in the sub-round or Round Two. Inclusion of this sub-round advances the goal of achieving universal service and minimizing costs to the BEAD program by encouraging providers to submit applications, where possible, under the Round One maximum BEAD outlay.

Maximum Award Amounts for a Single Applicant

Any single applicant or group of applicants that are related companies19 may not apply for more than $300 million in funding (BEAD outlay) in Round One. In cases where awards to a single provider above $500 million are necessary to reach all remaining locations, these applicants can be awarded additional funds in Round Two. Applicants will be responsible for tracking the cumulative requests submitted through OBD's grants portal; OBD will accept the first application submitted chronologically and every subsequent application until an application brings the cumulative total to more than $300 million; the application that brings the cumulative total above $300 million and all subsequent applications will not be accepted by OBD. OBD may waive the $300 million cap on requests in the sub-round for application areas with no applications if necessary to generate additional proposals in this sub-round. This mechanism encourages providers to put forward their best proposals in Round One.

Round Two

Overview of Round Two

Subject to timely completion of Round One, the Round Two application will open October 14, 2024, and continue through December 12, 2024. Applications will be reviewed from December 13, 2024, to February 10, 2025. In the period between closing Round One and opening Round Two, OBD will evaluate the remaining funds available and the modeled cost of service to the remaining unserved and underserved locations (including units in multi-dwelling buildings) and community anchor institutions. On the

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[19] "Related companies" shall mean: (a) an applicant controlled by another applicant; or (b) an applicant controlled by an individual or company that is in control of another applicant. Control of an applicant shall mean: (a) Ownership, directly or indirectly, possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a company that is a corporation; (b) Ownership of at least fifty percent of the capital or profit interest in such company if it is a partnership; (c) Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended.

basis of this evaluation, OBD will make a series of determinations that will structure Round Two.

OBD will review the remaining application areas and determine if changes need to be made to make it more likely that every eligible location in the state is part of an application area that receives a proposal for funding. This may include modifying application areas, combining application areas, or creating new application areas, and removing very high-cost locations into their own project areas.

OBD will determine whether there is likely to be enough funding remaining to extend service to every remaining unserved location in the state, to every underserved location in the state, and to every community anchor institution in the state with service less than 1 Gbps/1 Gbps, based on the amount of funds awarded in Round One, the number of locations remaining, and the modeled cost of service to those locations.

If there is not enough funding to reach every unserved location, OBD will separate application areas consisting only of underserved locations and eligible community anchor institutions in Round Two. These application areas would be applied for separately from each other and awarded only if funds remain after grants are awarded for every unserved location.

If it appears likely that remaining funds are sufficient to serve all unserved locations and some but not all underserved locations, OBD will create separate application areas for community anchor institutions with service of more than 100 Mbps/20 Mbps. These application areas would be applied for separately from each other and awarded only if funds remained after grants were awarded for every unserved and underserved location.

Any application areas excluded from Round One because they contained only community anchor institutions would be available for funding in Round Two. These application areas would be awarded only if funds remained after grants were awarded for every unserved and underserved location.

The maximum available BEAD outlay for each application area will be adjusted upward to reflect the number of remaining eligible locations after Round One awards are accounted for, the likely cost of extending service to the remaining locations, the amount of BEAD funding available after Round One, and cost trends visible in the Round One applications and awards. If the pattern of applications in Round One indicates that it will not be possible to serve all BEAD-eligible locations with fiber using Missouri's BEAD allocation, OBD may generate an estimate of the savings it would be able to achieve through non-priority broadband projects for some locations and use these estimated savings to further increase the maximum outlay for application areas. In order to ensure the funds available in Round Two are sufficient to reach the remaining locations, OBD will not consider applications that request more than the maximum outlay for the application area. The maximum available BEAD outlay for each application area may be published before Round Two opens. Disclosing this figure may encourage participation in the second round of applications by disclosing the upper bound of funding that each area could receive.

OBD will issue an advisory notice about the likely level at which the final EHCPLT will be set (see "treatment of non-fiber projects" below).

Best and Final Offer Process (BAFO) for Competitive Applications

When two or more applications are received for the same application area, OBD will score applications and then notify all applicants that the application area will be awarded competitively. These notifications will take place on a rolling basis as OBD finishes scoring all applications for a given area. In the 15 days following the notification OBD will open a window in which the two applicants with the highest requested score will be allowed to submit a "best-and-final-offer" in which they may modify any forward-looking scored element of their proposal, including reducing the requested BEAD outlay.

No Minimum Scoring Threshold for Round Two

In Round Two there will be no minimum scoring threshold, though OBD will continue to deny applications that fail to meet gating requirements associated with the BEAD program in Missouri (see sections 2.4.11-17).

Sub-round for Application Areas with No Applications

After the primary application window for Round Two applications has closed, OBD will announce a list of application areas with no funding proposals and invite applications for funding to serve these applications areas during a thirty-day window constituting a sub-round of application Round Two. While the rules structuring Round Two will continue to apply through this sub-round, this window will allow applicants to submit proposals for application areas where the results of previous rounds of applications indicate that competition will be limited. Providers that wait to submit proposals until this sub-round would risk another applicant submitting a proposal for the area in the main round, precluding applications in the sub-round.

Treatment of Non-Fiber Projects

During Round Two, OBD will continue to accept applications that plan to use any combination of Reliable Broadband technologies, as defined by the BEAD NOFO. Based on the applications received during Round Two, OBD will set a final EHCPLT above which non-fiber-to-the-premises projects can be funded in Round Two. The final EHCPLT will be set at a level that allows OBD to fund a project for as many remaining locations as possible. This final EHCPLT will be set no higher than preliminary EHCPLT used in Round One, meaning that no application area will be funded using non-fiber technology below the final extremely-high cost per location threshold.

OBD will issue an advisory notice before Round Two begins indicating the figure used for the preliminary EHCPLT in Round One and the likely range in which the final EHCPLT will fall, based on the modeled investment needed to serve Missouri's BEAD-eligible locations using fixed wireless and fiber and the expected value of each type of network based on location cost modeling by CQA.

Direct Negotiations & Additional Rounds

OBD has endeavored to design a process that will secure a commitment for service to every location in two rounds before the date set by NTIA for submission of Missouri's final proposal. The process outlined above contains several points at which OBD will be able to identify locations with a lower likelihood of receiving applications and troubleshoot to identify a solution.

If OBD's efforts do not secure a project for all eligible locations over the course of these two rounds, OBD may determine that the best way to secure commitments is to engage in direct negotiations with identified potential providers to identify a funding package that will make a project serving the remaining locations viable. OBD will use the information gained from the projects it was able to fund, cost modeling for the remaining locations, and research about context-specific local barriers to determine a reasonable estimate against which to measure funding proposals.

If OBD determines, based on the number and cost of remaining locations at the end of Round Two, that the most appropriate way to award remaining locations is an additional round of grant funding, OBD will hold another round. If the process of securing commitments for every location requires more time than allowed for the preparation of Missouri's Final Proposal, OBD will seek an extension through the process outlined in the BEAD NOFO.

2.4.2 Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

In each round of funding described in section 2.4.1, projects will be scored using the following metrics. The result of this scoring process will be used to determine (a) if the project is over the minimum awardable score in non-competitive areas in Round One and (b) which project should be awarded if multiple projects are submitted for the same application area. Different scoring criteria are applied for Priority Broadband Projects, which use end-to-end fiber to serve every BEAD-eligible location, and non-Priority Broadband Projects, which use some other Reliable Broadband technology to serve some or all locations.

Priority Broadband Project Scoring

Per the BEAD NOFO, NTIA has determined that "Priority Broadband Projects" are those that use end-to-end fiber-optic architecture. Missouri will score Priority Broadband Projects based on the criteria set forth in the BEAD NOFO for such projects, as follows.

Primary Criteria for Scoring Priority Broadband Projects

The BEAD NOFO requires that minimal BEAD outlay, affordability of a 1 Gbps/1 Gbps plan on funded networks, and fair labor practices be weighted most heavily when evaluating BEAD proposals. In total, these elements account for 240 points out of the 320 points available, or 75 percent, as required by the BEAD NOFO.

Minimal BEAD Outlay

For each application area in each funding round, OBD will set a ceiling for the amount of BEAD funding available. This ceiling will be calculated to be consistent with the cost of extending service to every remaining BEAD-eligible location in the State of Missouri if every application area were to be funded at the ceiling and will be adjusted after the end of Round One to account for eligible locations awarded and BEAD funding allocated during Round One. It will be set as a multiple of the modeled Greenfield investment to build a network to all of the eligible locations in the application area as estimated by CQA. The ceiling would therefore be higher for locations where higher investment is expected to be necessary. Applicants will be awarded points for based on the percent of the maximum BEAD outlay the applicant requests for the application area. The formula used awards points more rapidly as the percent of outlay requested approaches the maximum -- it "costs" an application one point to use the first 10 percentage points of possible BEAD funding and 19 to use the last 10 percentage points. While it is unlikely that an applicant would score 100 points by this metric (by requesting no funding), locations requiring minimal subsidies could achieve scores very close to 100 points.

Score = 100 – [percent of outlay requested^2 / 100]

Percent of maximum outlay requested	Points Awarded
10 percent	99 points

20 percent	96 points
30 percent	91 points
40 percent	84 points
50 percent	75 points
60 percent	64 points
70 percent	51 points
80 percent	36 points
90 percent	19 points
100 percent	0 points

BEAD NOFO: "The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases."

To accommodate investments that mitigate the effects of natural hazards, the costs (capped at 5%) of identified mitigation measures in areas subject to an initial hazard screening (see section 2.11.1) will not count toward the percent of maximum outlay requested.

Affordability

Applicants will be required to disclose the non-promotional prices they will offer locations on BEAD funded networks through the BEAD period of performance, inclusive of the cost of installation, equipment rental, and any other charges required to receive service. In non-competitive areas in Round One, for the purpose of determining whether applicants meet the minimum score threshold, applicants that commit to charge less than the 2023 Urban Rate Survey Benchmark price for 1 Gbps/1 Gbps service and no more than they generally charge for equivalent service in non-BEAD areas will receive 50 points for each commitment for a possible total of 100 points. Applicants that decline to make either commitment will receive 0 points.

In order to achieve the NOFO requirement that points be awarded in this category to the more affordable 1 Gbps/1 Gbps plan, in application areas awarded on a competitive basis the affordability metric will be based off the different prices offered for a 1 Gbps/1 Gbps plan. Applicants will be awarded points equal to the difference between this price and the FCC Urban Rate Survey benchmark price for 1 Gbps/1Gbps service with no data cap. The FCC Urban Rate Survey benchmark price for 1 Gbps/1Gbps service does not represent a hard ceiling on the price that can be

charged for these plans, but applicants that charge at or above that level will receive 0 points on this metric.

This price commitment used to calculate this score for both competitive and non-competitive areas will apply for eight years following the completion of the project. Over the course of the period this price may rise annually by no more than the annual increase in the Consumer Price Index, as calculated by the Bureau of Labor Statistics or three percent, whichever is lower, beginning with an adjustment in the first new calendar year after the awarded proposal was submitted to OBD.

Score = Urban Rate Survey 2023 Benchmark for 1 Gbps/1 Gbps – [monthly price of 1 Gbps/1Gbps plan]

BEAD NOFO: "The prospective subgrantee's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area."

Fair Labor Practices and Highly Skilled Workforce

Section IV.C.1.e of the BEAD NOFO requires states to collect information about an applicant's records of and plans to comply with federal labor and employment laws. In cases where an applicant does not have three years of experience, the BEAD NOFO requires OBD to allow an applicant "to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects." (BEAD NOFO pg. 43). This mitigation requirement is satisfied by increasing the weighting of forward-looking elements of this scoring metric for subgrantees with less than three years of experience.

Element	Sub-Element	Scoring
Record of Compliance with Federal Labor and Employment Laws BEAD NOFO: "Eligible Entities must give priority to projects based on a prospective subgrantee's	For subgrantees without three years of experience, scoring sub-elements in this section will be zero.	
	Disclosure of violations	10 points (no violations) 5 points (some violations) 0 points (pattern of violations)

demonstrated record of [] compliance with Federal labor and employment laws"	Disclosure of safety records of applicant, contractors and sub-contractors, as reported in OSHA form 300A for the previous three years	10 points (rate of recordable cases notably below industry average) 5 points (rate of recordable cases near industry average) 0 points (rate of recordable cases notably above industry average).
Plans for Compliance with Federal Labor and Employment Laws	For subgrantees without three years of experience, scoring sub-elements in this section will be doubled	
	Compliance elements of workforce plan, including "information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network" NOFO pp. 56-57	Scoring of narrative response 10 points (Reviewers have high confidence in plan for compliance) 5 points (Reviewers have some confidence in plan for compliance) 0 points (Reviewers have low confidence in plan for compliance)

| | Workplace Safety Committees

BEAD NOFO: "[Plan for] implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects." NOFO p. 57 | Scoring of narrative response

10 points (Reviewers have high confidence that workplace safety committees will operate effectively)

5 points (Reviewers have some confidence that workplace safety committees will operate effectively)

0 points (Reviewers have low confidence that workplace safety committees will operate effectively) |
|---|---|---|

Secondary Criterion for Scoring Priority Broadband Projects

Speed to Deployment

OBD will require applicants to disclose information about the sequencing of construction of BEAD projects and award up to 20 points for projects that are completed in a shorter timeframe. The timeline will be submitted as part of the Project Work Plan, which must be certified by a professional engineer. Points scale on a quarterly basis, with the most points awarded for a project that can provide service to every location in the project area within 18 months (or 6 quarters) of the release of the award. For example, a provider whose award was issued in February 2025 (the first quarter of 2025) would receive full points if the project was completed in the third quarter of 2026 (in July, August, or September 2026). Failure to meet this binding commitment may result in penalties.

Months From Award Issue to Provision of Service	Points
18 months	18
21 months	16
24 months	14
27 months	12

30 months	10
33 months	8
36 months	6
39 months	4
42 months	2
45 months	0

BEAD NOFO: "Eligible Entities must give secondary criterion prioritization weight to the prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to the Eligible Entity, with greater benefits awarded to applicants promising an earlier service provision date."

Additional Criteria for Scoring Priority Broadband Projects

Local Coordination

OBD will release a letter of support template designed to help local governments evaluate proposed projects. Local governments will be asked to indicate their support for the project in general and their confidence in the applicant's plans to secure permits and complete other coordination with local governments necessary to complete the project. Template letters may be submitted by the county government responsible for the project county, if a majority of project or municipal governments whose jurisdiction covers a majority of BEAD-eligible locations in the area of the project discussed with the local government. Only one letter of support will be scored per application. A single letter may be associated with multiple adjacent application areas, provided the officials submitting the letter understand the full scope of the project and that application areas consisting of the project may be awarded separately. The score associated with that letter would then be applied to every application area covered by the letter. Letters of support submitted using this template from local governments in project areas will be worth as many as 16 points. If a local government commits to contribute financial resources (e.g., ARPA State and Local Fiscal Relief Funds) to the project the project will receive the 20 points available in the local coordination category, regardless of whether a letter of support is provided.

Score (without local financial support) =

+ up to 8 points (local government support for project in letter of support)

+ up to 8 points (plans for coordination with local government in letter of support)

Score (with local financial support) =

+ 20 points

BEAD NOFO: "NTIA encourages Eligible Entities to adopt selection criteria reflecting a prospective subgrantee's support from the local and/or Tribal Government with oversight over the location or locations to be served."

Equitable Workforce Development and Job Quality

OBD will further score submitted plans to evaluate commitments to investments in Missouri's broadband workforce in order to both improve the delivery of the funded broadband projects and to foster the growth of a highly skilled, Missouri-based broadband workforce.

Sub-element	Scoring
Training Commitments	Review of narrative submission
BEAD NOFO: "[Provision of] Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, and other high-quality, on-the-job training Opportunities."	Up 10 points based on confidence in plan to provide Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, or other high-quality, on-the-job training opportunities.
	0 points (No commitments to participation in workforce training programs).
Hiring Commitments	Review of narrative submission
BEAD NOFO: "[S]ubgrantees prioritize hiring local workers and have robust and specific plans to recruit historically under-represented populations facing labor market barriers and ensure that they have reasonable access to the job opportunities created by subgrantees"	Up to 10 points based on commitments to prioritize hiring by subgrantee, contractors, and subcontractors of Missouri-based workers and members of under-represented communities as the term is defined on page 16 of the BEAD NOFO.
	0 points (No commitments to prioritize hiring of Missouri workers and underrepresented populations).
Employment Commitment	Review of narrative submission
BEAD NOFO: "The plan for a highly skilled workforce should include… whether the workforce will be directly employed or whether work will be performed by a	Up to 10 points based on commitment that all or a substantial portion of workforce on BEAD projects will be directly employed and that, to the extent a subcontracted

| subcontracted workforce" | workforce will be used, that subcontractors will use high labor standards. |
| | 0 points (no commitment for directly employed workforce). |

Missouri Economic Development

OBD will award additional points to projects that make additional commitments that will contribute to economic development in Missouri beyond (a) the economic development contribution represented by the construction and provision of broadband service and (b) any commitment to local hiring scored as part of the Equity Workforce Development and Job Quality score.

Element	Scoring
Missouri nexus of applicant	Review of Narrative Submission Up to 4 points if applicant's business has a substantial nexus in Missouri including: An extensive history of providing broadband or other services to Missourians. Headquarters or other offices in Missouri
Use of Missouri products	Review of narrative submission Up to 4 points based on confidence in plan to use materials produced, in whole or in part, in the state of Missouri, or sourced through Missouri-based companies
Use of Missouri-based sub-contractors	Review of Narrative Submission Up to 4 points based on confidence in plan to use Missouri-based sub-contractors

Non-Priority Broadband Project Scoring

For projects not using end-to-end fiber-optic architecture, the following criteria will apply.

To account for the technical scoring required for non-fiber to the premises projects (listed under secondary criteria) while still assigning primary criteria 75 percent of the score,[20] non-primary criteria weighting has been scaled down proportionately.

Primary Criteria for Scoring Non-Priority Broadband Projects

The BEAD NOFO requires that minimal BEAD outlay, affordability of a 100 Mbps/20 Mbps plan on funded networks, and fair labor practices be weighted most heavily when evaluating BEAD proposals. In total, these elements account for 240 points out of the 320 points available, or 75 percent, as required by the BEAD NOFO.

Minimal BEAD Outlay

For each application area in each funding round, OBD will set a ceiling for the amount of BEAD funding available. This ceiling will be calculated to be consistent with the cost of extending service to every remaining BEAD-eligible location in the State of Missouri if every application area were to be funded at the ceiling and will be adjusted after the end of Round One to account for eligible locations awarded and BEAD funding allocated during Round One. It will be set as a multiple of the modeled Greenfield investment to build a network to all the eligible locations in the application area as estimated by CQA. The ceiling would therefore be higher for locations where higher investment is expected to be necessary. Applicants will be awarded points for based on the percent of the maximum BEAD outlay the applicant requests for the application area. The formula used awards points more rapidly as the percent of outlay requested approaches the maximum -- it "costs" an application one point to use the first 10 percentage points of possible BEAD funding and 19 to use the last 10 percentage points. While no application would score 100 percent by this metric (by requesting no funding), locations requiring minimal subsidies could achieve scores very close to 100 points.

Score = 100 – [percent of outlay requested[2] / 100]

Percent of maximum outlay requested	Points Awarded
10 percent	99 points
20 percent	96 points
30 percent	91 points
40 percent	84 points

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[20] As required by the BEAD NOFO p. 44 n. 68.

50 percent	75 points
60 percent	64 points
70 percent	51 points
80 percent	36 points
90 percent	19 points
100 percent	0 points

BEAD NOFO: "The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases."

To accommodate investments that mitigate the effects of natural hazards, the costs (capped at 5%) of identified mitigation measures in areas subject to an initial hazard screening (see section 2.11.1) will not count toward the percent of maximum outlay requested.

Affordability

Applicants will be required to disclose the non-promotional prices they will offer locations on BEAD funded networks through the BEAD period of performance, inclusive of the cost of installation, equipment rental, and any other charges required to receive service. If different technologies will be deployed to different BEAD-eligible locations, pricing must be disclosed for all the technologies used, including the cost of 100/20 Mbps service for locations served licensed fixed wireless and the cost of 1/1 Gbps service for locations served by fiber.

The BEAD NOFO requires that points be awarded in this category to the more affordable 1 Gbps/1 Gbps plan for Priority Broadband projects and 100/20 Mbps service for non-Priority Broadband projects. The proposed formula allows for a mixture of fiber and non-fiber technologies in areas above the extremely high cost per location threshold by adjusting the scoring based on the proportion of technology used and the difference between the price of the reference service for the technology and the FCC Urban Rate Survey benchmark price for 1 Gbps/1Gbps service for fiber and 100/20 Mbps for the other technology. The FCC Urban Rate Survey benchmark price does not represent a hard ceiling on the price that can be charged for these plans, but applicants that charge at or above that level will receive 0 points on this metric.

This price commitment used to calculate this score for both competitive and non-competitive areas will apply for eight years following the completion of the project. Over the course of the period this price may rise annually by no more than the annual

increase in the Consumer Price Index, as calculated by the Bureau of Labor Statistics up to a maximum of three percent, beginning with an adjustment in the first new calendar year after the awarded proposal was submitted to OBD.

Score = (Urban Rate Survey 2023 Benchmark for 1 Gbps/1 Gbps – monthly price of 1 Gbps/1Gbps plan for locations served by fiber) × percentage of locations served by fiber + (Urban Rate Survey 2023 Benchmark for 100/20 Mbps – monthly price of 100/20 Mbps plan for locations served by a non-fiber technology) × percentage of locations served by a non-fiber technology

BEAD NOFO: "The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100 / 20 Mbps service in the project area."

Fair Labor Practices and Highly Skilled Workforce

Section IV.C.1.e of the BEAD NOFO requires states to collect information about an applicant's records of and plans to comply with federal labor and employment laws. In cases where an applicant does not have three years of experience, the BEAD NOFO requires OBD to allow an applicant "to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects." (BEAD NOFO pg. 43). This mitigation requirement is satisfied by increasing the weighting of forward-looking elements of this scoring metric for subgrantees with less than three years of experience.

Element	Sub-Element	Scoring
Record of Compliance with Federal Labor and Employment Laws BEAD NOFO: "Eligible Entities must give priority to projects based on a prospective subgrantee's demonstrated record of [] compliance with Federal labor and employment laws"	For subgrantees without three years of experience, scoring sub-elements in this section will be zero.	
	Disclosure of violations	10 points (no violations) 5 points (some violations) 0 points (pattern of violations)
	Disclosure of safety records of applicant, contractors and sub-contractors, as reported in OSHA form 300A for the previous three years	10 points (rate of recordable cases notably below industry average) 5 points (rate of recordable cases near industry average) 0 points (rate of recordable cases notably above industry average).

Plans for Compliance with Federal Labor and Employment Laws	For subgrantees without three years of experience, scoring sub-elements in this section will be doubled	
	Compliance elements of workforce plan, including "information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network" NOFO pp. 56-57	Scoring of narrative response 10 points (Reviewers have high confidence in plan for compliance) 5 points (Reviewers have some confidence in plan for compliance) 0 points (Reviewers have low confidence in plan for compliance)
	Workplace Safety Committees BEAD NOFO: "[Plan for] implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects." NOFO p. 57	Scoring of narrative response 10 points (Reviewers have high confidence that workplace safety committees will operate effectively) 5 points (Reviewers have some confidence that workplace safety committees will operate effectively) 0 points (Reviewers have low confidence that workplace safety committees will operate effectively)

Secondary Criteria for Scoring Non-Priority Broadband Projects

Speed to Deployment

OBD will require applicants to disclose information about the sequencing of construction of BEAD projects and award up to 20 points for projects that are

completed in a shorter timeframe. The timeline will be submitted as part of the Project Work Plan, which must be certified by a professional engineer. Points scale on a quarterly basis, with the most points awarded for a project that can provide service to every location in the project area within 18 months (or 6 quarters) of the release of the award. For example, a provider whose award was issued in February 2025 (the first quarter of 2025) would receive full points if the project was completed in the third quarter of 2026 (in July, August, or September 2026). Failure to meet this binding commitment may result in penalties.

Months From Award Issue to Provision of Service	Points
18 months	18
21 months	16
34 months	14
27 months	12
30 months	10
33 months	8
36 months	6
39 months	4
42 months	2
45 months	0

BEAD NOFO: "Eligible Entities must give secondary criterion prioritization weight to the prospective subgrantee's binding commitment to provide service by an earlier date certain, subject to contractual penalties to the Eligible Entity, with greater benefits awarded to applicants promising an earlier service provision date."

Speed of Network and Other Technical Capabilities

Applicants will be awarded points in this category only if the proposed network has the capacity to provide service at this level to every eligible location in the award territory.

Sub-element	Scoring
Speed	8 points (≥ 1000/250 Mbps & > 100 ms) 6 points (≥ 400/200 Mbps)

	4 points (≥ 200/50 Mbps)
	2 points (> 100/20 Mbps)
	0 points (≤ 100/20 Mbps)
Latency	4 Points (≤ 10 ms)
	2 points (≤ 50 ms)
	0 points (> 50 ms)
Useful Life	4 points (> 10 years)
	2 points (> 5 years and ≤ 10 years)
	0 points (≤ 5 years)
Scalability	4 points (Technical plan indicates that future updates could move the network into a higher speed tier without requiring additional public funds)
	0 points (Scalability not demonstrated)

In cases where a mixture of fiber and non-fiber will be deployed to serve a single application area, this score will be calculated according to the following formula:

Score = (Speed and Technical Capabilities Score × percent of eligible locations to be served with other technology) + (16 × percent of eligible locations to be served with fiber)

For instance, a project that served half of its eligible locations with fiber and half with another technology that scored 8 points in this category would receive a total of 12 points [(8 points for Speed and Technical Capability × 50 percent of eligible locations) + (16 × 50 percent of eligible locations)]

BEAD NOFO: "Eligible Entities must weigh the speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects."

Additional Criteria for Scoring Non-Priority Broadband Projects

Local Coordination

OBD will release a letter of support template designed to help local governments evaluate proposed projects. Local governments will be asked to indicate their support for the project in general and their confidence in the applicant's plans to secure permits and complete other coordination with local governments necessary to complete the project. Template letters may be submitted by the county government responsible for the project county, if a majority of project or municipal governments whose jurisdiction covers a majority of BEAD-eligible locations in the area of the project

discussed with the local government. Only one letter of support will be scored per application. A single letter may be associated with multiple adjacent application areas, provided the officials submitting the letter understand the full scope of the project and that application areas consisting of the project may be awarded separately. The score associated with that letter would then be applied to every application area covered by the letter. Letters of support submitted using this template from local governments in project areas will be worth as many as 12 points. If a local government commits to contribute financial resources (e.g., ARPA State and Local Fiscal Relief Funds) to the project the project will receive a the 15 points available in the local coordination category, regardless of whether a letter of support is provided.

Score (without local financial support) =

+ up to 6 points (local government support for project in letter of support)

+ up to 6 points (plans for coordination with local government in letter of support)

Score (with local financial support) =

+ 15 points

BEAD NOFO: "NTIA encourages Eligible Entities to adopt selection criteria reflecting a prospective subgrantee's support from the local and/or Tribal Government with oversight over the location or locations to be served."

OBD will further score submitted plans to evaluate commitments to investments in Missouri's broadband workforce in order to both improve the delivery of the funded broadband projects and to foster the growth of a highly skilled, Missouri-based broadband workforce.

Sub-element	Scoring
Training Commitments BEAD NOFO: "[Provision of] Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, and other high-quality, on-the-job training Opportunities."	Review of narrative submission Up 7.5 points based on reviewer confidence in plan to provide Registered Apprenticeships and pre-apprenticeships tied to a Registered Apprenticeship, joint labor management partnerships, or other high-quality, on-the-job training opportunities)0 points (No commitments to participation in workforce training programs)
Hiring Commitments BEAD NOFO: "[S]ubgrantees prioritize hiring local workers and have robust and	Review of narrative submission Up to 7.5 points based on commitments to prioritize hiring by subgrantees and

specific plans to recruit historically underrepresented populations facing labor market barriers and ensure that they have reasonable access to the job opportunities created by subgrantees"	subcontractors of Missouri-based workers and members of under-represented communities as the term is defined on page 16 of the BEAD NOFO. 0 points (No commitments to prioritize hiring of Missouri workers and underrepresented populations)
Employment Commitment BEAD NOFO: "The plan for a highly skilled workforce should include… whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce"	Review of narrative submission Up to 7.5 points based on commitment that all or a substantial portion of workforce on BEAD projects will be directly employed and that, to the extent a subcontracted workforce will be used, that subcontractors will use high labor standards 0 points (no commitment for directly employed workforce)

Missouri Economic Development

OBD will award additional points to projects that make additional commitments that will contribute to economic development in Missouri beyond (a) the economic development contribution represented by the construction and provision of broadband service and (b) any commitment to local hiring scored as part of the Equity Workforce Development and Job Quality score.

Element	Scoring
Missouri nexus of applicant	Review of Narrative Submission Up to 3 points if applicant's business has a substantial nexus in Missouri including: An extensive history of providing broadband or other services to Missourians. Headquarters or other offices in Missouri
Use of Missouri products	Review of narrative submission Up to 3 points based on confidence in plan to use materials produced, in whole or in

	part, in the state of Missouri, or sourced through Missouri-based companies
Use of Missouri-based sub-contractors	Review of Narrative Submission Up to 3 points based on confidence in plan to use Missouri-based sub-contractors

2.4.3 Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs (community anchor institutions).

OBD anticipates that the funding allocated should be sufficient to extend service to all BEAD-eligible unserved and underserved locations and CAIs under 1 Gbps/1Gbps in the state of Missouri, provided funding is allocated efficiently. When possible, OBD will accept applications to serve all eligible locations in an application area without distinguishing between the types of locations receiving improved service on the theory that adjacent locations of different eligibility types will most efficiently be served by a single new network. If that is not possible, the proposed process includes safeguards to ensure funds are allocated in line with the prioritization required by the BEAD NOFO: (1) all unserved locations; (2) all underserved locations; and (3) all community anchor institutions with service under 1 Gbps/1 Gbps.

1. **Caps on possible funding for each application area in each round of funding**. Caps will be used to prevent the exhaustion of funds before every location belonging to all three categories are reached. At a minimum, the caps will be set low enough to ensure that the funding awarded to reach the locations in an application area does not exceed the CQA modeled cost to reach those locations by more than Missouri's available allocation exceeds the modeled cost to serve every location in the state. A lower cap in the first round of grant funding will preserve funding that can be used exclusively to fund higher-priority locations, if necessary, in Round Two. Caps will also tend to be higher for unserved locations, due to the generally higher modeled cost to serve these locations, making projects to serve these locations more attractive.

2. **Restriction on funding of CAI-only areas in Round One**. Should the RFI process produce application areas where the only BEAD-eligible locations, these would only be available to receive funding in Round Two and subject, if necessary, to the Round Two restrictions explained below.

3. **Restrictions on lower-priority applications, if necessary, in Round Two**. Before opening Round Two, OBD will determine whether there is likely to be enough funding remaining to extend service to every remaining unserved location in the state, to every unserved and underserved location in the state, and to every community anchor institutions in the state with service less than 1 Gbps/1 Gbps, based on the amount of funds awarded in Round One, the number of locations remaining, and the modeled cost of service to those locations.

   If there is not enough funding to reach every unserved location, OBD will separate application areas consisting only of underserved locations and community anchor institutions in Round Two under 1 Gbps/1Gbps. These application areas would be applied for separately and awarded only if funds

remained after grants were awarded for every unserved location.

If it appears likely that remaining funds are sufficient to serve all unserved locations and some but not all underserved locations, OBD will create separate application areas for community anchor institutions with service of more than 100 Mbps/20 Mbps. These application areas would be applied for separately and awarded only if funds remained after grants were awarded for every unserved and underserved location.

2.4.4   If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."

Not applicable.

2.4.5   The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

In the absence of a waiver or NTIA guidance granting flexibility, OBD will require compliance with EHP regulations and BABA in its grant agreement with the subgrantee.

OBD will make materials related to EHP and BABA from NTIA, the Department of Commerce, and other relevant agencies available to subgrantees and will assist in fielding questions on these regulations. OBD will review the EHP and Climate Resiliency Preparation Checklist in considering its outreach planning.

OBD will make efforts prior to the opening of the application to engage local agencies as well as state and local stakeholders on best practices of the regulations.

Build America, Buy America

To meet the requirements of [Build America, Buy America](#), OBD will ensure items purchased for use in a covered infrastructure project will meet the following criteria:

Iron and steel used in the project: All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the U.S.

Manufactured products used in the project: All products are manufactured in the U.S., and the cost of its components that are mined, produced, or manufactured in the U.S. is greater than 55 percent of the total cost of all components, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

Construction materials used in the project: All manufacturing processes occurred in the U.S.

In order to be BABA-compliant, subgrantees must submit an itemized breakdown of all products and materials that will be used in the project and indicate which are American-made. Any changes to this list of materials must be submitted to OBD before project closeout.

Subgrantees will be prohibited from using BEAD funds to purchase or support any covered communications equipment or service (as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608)).

Subgrantees are also prohibited from using BEAD funds to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the Assistant Secretary of the Department of Commerce. Waivers of the ban on Chinese-made fiber will be based on a demonstration that application of this prohibition would unreasonably increase the cost of or delay the project or other eligible activities.

Environmental and National Historical Preservation Requirements

Subgrantees will be required to list in their application what past grant management experience/technical capacity they've had which will include whether they have previously had experience with NEPA[21] or NHPA[22].

Subgrantees will be required to identify and obtain applicable Federal, state and local permits required to complete their project. Responses from subgrantees will be given a higher weight if they are able to demonstrate they've already taken or will take specific steps to secure these permits/work with the Federal, state, or local agency.

Post-award, OBD will gather all information and documentation required for NEPA/NHPA review from the program subgrantees and will review submitted material to ensure it is complete before submitting it to NTIA for NEPA/NHPA review.

Post-award, subgrantees will be required to submit to OBD a draft environmental assessment for the project pursuant to NEPA and documentation of completion of any required consultations under § 106 of the NHPA, both of which must be completed no later than six (6) months after the Federal Award Date, unless a formal request for extension is approved by OBD and the Department of Commerce.

Through the grant agreement with OBD, subgrantees will be required to comply with environmental laws and to provide updates on their progress through the environmental review. Projects and other eligible activities will be required to be designed so that they minimize the potential for adverse impacts on the environment.

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[21] National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*).

[22] National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*).

2.4.6   Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

RFI Process

OBD will conduct a multi-stage process to allow providers to apply for projects that fit their business models and existing infrastructure while accomplishing the BEAD goals of universal broadband coverage and competitive subgrantee selection.

Concurrent with the state challenge process, OBD will allow providers to indicate the areas they intend to apply to serve with deployment projects using BEAD funds. Subject to the completion of the state's mapping portal, OBD will accept RFI submissions through its mapping portal from February 19, 2024, to April 3, 2023. This process will take place before the conclusion of the challenge process and the final determination of eligible BEAD locations, and the submitted list of locations or polygons will be considered to indicate the locations for which providers plan to apply for service, if those locations are determined to be eligible at the end of the state challenge process. This request for information (RFI) will be designed to minimize the burden on applicants; RFI submissions will include:

1. The area or areas the provider plans to apply to serve using BEAD funds, each consisting of at least 10 eligible locations. The boundaries of this area may enclose locations not eligible for BEAD funding, but the obligation associated with the award of funding for the resulting application area would only attach to BEAD-eligible locations with the project area, which OBD will identify using the map generated through its challenge process. Submitted project areas will be required to include a minimum number of locations, as determined by OBD.
2. Basic pre-qualification information establishing the entity's ability to participate in the BEAD program.

Creating Comparable Project Areas

Based on the results of the RFI process, OBD will subdivide submitted project areas into application areas for the purpose of soliciting and evaluating competitive BEAD applications.

3. Locations where only one project was submitted will be grouped together into one application area consisting of the submitted project.
4. Projects that cross county lines will be split so that locations within different counties will be in separate application areas.
5. Projects that cross the boundaries of "high-cost areas" indicated by NTIA will be split so that locations within high-cost areas are a separate project from locations outside high-cost areas. This will enable OBD to apply a reduced match requirement (when necessary) in these areas (https://internetforall.gov/program/broadband-equity-access-and-deployment-bead-program/bead-allocation-methodology).

6. Groups of adjacent locations where multiple providers indicated a plan to apply for BEAD funding to provide service will be grouped so that all locations associated with the same distinct combination of submitted projects constitute a separate application area.
7. In cases where these steps result in a single application area consisting of clusters of locations bisected by another application area, those separated clusters will be divided into separate application areas.

OBD will apply limited edits to the resulting application areas in cases where the rules above generate application areas that are not conducive to a comprehensive, efficient, and fair project selection process. The value of the RFI process lies in the close relationship between the application areas used in the program and the desired service territories of participating providers. In order to preserve this relationship, the modeled cost of locations added to any one application area in stage 6 will not be more than 10 percent of the original value of the application area, except in the case when several small, adjacent application areas are combined to create a larger application area. These changes may include:

1. Distribution of the locations in application areas with a small number of eligible locations into neighboring application areas, reducing the number of application areas providers will need to apply for and the related administrative burden on OBD. This allows OBD to address:
2. Small gaps between submitted project areas that would otherwise become separate application areas with a small number of eligible locations.
3. Small overlaps of submitted project areas that would otherwise become separate application areas with a small number of eligible locations.
4. Similar project areas submitted by different providers with small discrepancies that would otherwise generate small application areas on the edge of the shared territory.
5. Distribution of locations falling outside any submitted project area that would likely be more cost-effectively served by a submitted project area than any state-designed application area that could be generated in stage 7.

Areas falling outside of any application area at the end of stage six will be grouped into state-defined application areas. These areas will be subject to additional measures to secure projects as outlined in section 2.4.7.

These application areas will be published before the opening of the first round of applications. Maps will be released on a county-by-county basis as each county's map is completed between April 4, 2024 through May 4, 2024. This publication will include the service obligation associated with the application area as indicated by the number of eligible locations within the area in each category (unserved and underserved locations, unserved and underserved multi-dwelling units, and eligible community anchor institutions).

Before Round Two of applications begin, OBD will evaluate the remaining application areas and determine if changes need to be made to (a) reflect the BEAD prioritization

of unserved and then underserved locations by, for instance, creating separate application areas consisting only of higher-priority locations that would be funded first should every location not be fundable or (b) to ensure that eligible locations that received no applications in round one are grouped into application areas that are likely to receive bids. This process may include removing very high-cost locations from application areas that OBD determines will otherwise be unlikely to receive proposals in Round Two.

No provider will be required to submit applications for areas they indicated they planned to serve through the RFI process, and applicants that did not participate in the RFI process will be eligible to apply to serve the application areas generated as a result of this process. This process is designed to elicit input from providers on the areas they would like to serve and to allow participating providers to apply for the application areas that make sense for them. The process includes several mechanisms to address "cherry-picking" of locations with low costs of construction and high expected revenues:

Limited changes to the boundaries of submitted project areas will distribute a portion of expensive-to-serve locations among more desirable adjacent application areas.

Less desirable applications areas will generally have a higher maximum BEAD subsidy, meaning that an application in this area can receive more funding in absolute terms and will score better on the BEAD outlay scoring element than an application that requested the same BEAD outlay in a less expensive project area (see section 2.4.2)

In cases where mechanisms one and two do not lead to applications in some application areas, OBD will take further steps to make these areas attractive for applicants (see section 2.4.7)

2.4.7   If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

The structure of OBD's proposed subgrantee selection process allows several points where it will be possible to identify locations at risk of receiving no proposals for service under the BEAD program and take corrective action:

- At the conclusion of the RFI submission window
- At the conclusion of round one of applications
- At the conclusion of round two of applications

After the RFI

At the conclusion of the RFI window, OBD will identify locations where no provider indicated a plan to apply for BEAD funds to extend service that could not be practically grouped into adjacent application areas without fundamentally changing the nature of the project. These locations will be grouped into separate applications areas, and OBD will begin a process to identify a provider or providers that are willing to provide service to these locations.

OBD will develop a list of providers that (a) already serve adjacent areas, (b) have funded commitments in adjacent areas, or (c) indicated an interest in applying for BEAD funding. OBD will engage with identified providers, local elected officials and community leaders, and owners of relevant infrastructure in the area to identify the barriers preventing applications and, where possible, identify solutions and a provider willing to submit an application in round 1.

In cases where local engagement and model-based cost data suggests that the high cost of construction relative to the potential earning value of the infrastructure is a barrier to serving these locations and the locations are not within one of NTIA's designated high-cost areas, OBD will apply for waivers to reduce match requirements in these application areas under 25 percent.

After Round One

After all Round One applications are submitted, OBD will identify application areas where no eligible application for funding was received.

OBD will indicate the areas that received no applications and open a short sub-round allowing applications for these areas.

OBD will review the characteristics of the remaining locations with no application and will consider adjustments to the extremely high cost per location threshold necessary to attract non-priority broadband project proposals for these areas.

OBD will apply for waivers for match requirements for areas with no applications outside of NTIA-designated high-cost locations.

OBD will continue the engagement process begun at the conclusion of the RFI process for the remaining locations with no application, with the goal of identifying applicants for round two.

After Round 2

After all Round Two applications are submitted, evaluated, and awarded where possible, OBD will identify application areas with no funded projects.

OBD will indicate the areas that received no applications and open a short sub-round allowing applications for these areas.

OBD will determine whether to seek flexibility from NTIA to conduct additional funding rounds.

OBD will enter direct negotiations with identified potential providers with the goal of finding terms that would enable the provider to serve the remaining areas.

2.4.8   Describe how the Eligible Entity intends to submit proof of Tribal Governments'
consent to deployment if planned projects include any locations on Tribal Lands.

Missouri does not have federally recognized Tribal lands.

2.4.9   Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.

As explained in sections 2.4.1 and 2.4.10, OBD will issue several advisory figures and a preliminary Extremely High Cost Per Location Threshold (EHCPLT) before a final EHCPLT is set after Round Two applications are received. OBD will set the preliminary and final EHCPLT and related advisory figures to allow for the use of alternate technologies, when appropriate, in two situations:

Cases where the cost of a priority broadband project at a given location so exceeds the cost of a network built with another technology that the benefits of deploying fiber to these locations are overwhelmed by the larger number of lower-cost locations that could have been connected with this funding.

Cases where the high costs of maintaining a fiber network to every location in an application area and low expected revenue generation means that the application area will not be attractive for an end-to-end provider even if the entire cost of building the network was paid by the BEAD program (i.e., the location would have a negative net present value even if capital expenditures were zero). In some but not all of these cases networks employing delivery technologies other than fiber to reach some or all locations may be more financially sustainable and therefore represent better value for network users.

OBD will draw upon three sources of cost information to identify a figure that captures these locations:

- CQA cost modeling, which provides estimates of the net present value and total investment associated with fixed wireless and fiber deployment to each fabric location;
- Cost data from actual applications to provide expanded broadband service through recent broadband funding programs, including OBD's NTIA Broadband Infrastructure Program awards and OBD's ARPA-funded Missouri Broadband Infrastructure Program; and
- The funding requests associated with applications for funding in preceding rounds of the BEAD grant program. For instance, before setting the preliminary threshold governing Round One awards OBD will have access to Round One applications and associated funding requests; before setting the final threshold governing Round Two awards OBD will have access to Round One and Round Two applications.

These sources will be used to refine the EHCPLT over the course of the BEAD program.

Pre-Round One Advisory Figures

Before opening Round One applications, OBD will issue an advisory figure below which the preliminary EHCPLT is unlikely to fall. This advisory figure will be based on CQA cost

modeling and the costs of previous state, federal, and local broadband programs. This figure will allow applicants considering non-fiber-to-the-premises networks to identify application areas where these networks are more likely to be considered for funding. To allow for imprecisions in the cost model and systematic differences between BEAD costs and costs associated with earlier grant programs, OBD's notice will allow for a wide range of possible values at this stage.

Preliminary EHCPLT

Once OBD receives applications for funding in Round One, OBD will have a better sense of the locations where cost-effective fiber-to-the-premises networks are unlikely to be funded under the BEAD program. OBD will examine application areas where non-all-fiber-to-the-premises networks were proposed and there was a large discrepancy in cost between a Priority Broadband Project submission and a non-Priority Broadband Project Submission. OBD will compare the modeled cost of these locations to the modeled costs of locations where competitive fiber-to-the-premises projects were proposed in Round One to determine whether the location is likely to receive a more competitive fiber-to-the-premises proposal in Round Two. OBD's preliminary EHCPLT will be set to capture applications areas meeting conditions (a) and (b) where OBD determines that more competitive priority broadband proposals are unlikely to be received in Round Two based on the pattern of applications in Round One.

Pre-Round Two Advisory Figures

Before applications open for Round Two, OBD will publish a new advisory figure below which the final EHCPLT is likely to fall. This lower bound will be adjusted downward from the pre-Round One advisory figures if the applications filed and awarded in Round One indicate that OBD will not be able to reach all unserved locations, underserved locations, and community anchor institutions before exhausting its allocation without funding additional projects that incorporate non-fiber service.

Final EHCPLT

OBD will set the final EHCPLT after scoring all priority and non-priority broadband projects submitted in Round Two. The final EHCPLT will be set at a level such that grants can be awarded to the maximum possible number of eligible locations before exhausting the state's allocation. In other words, if the cost of awarding priority broadband projects for every location exhausts the state's allocation, OBD will calculate the EHCPLT such that enough lower-cost non-priority broadband projects are considered and awarded to bring the funding required back under level of the available allocation. If no viable applications were submitted for some application areas during Round Two, OBD may set the EHCPLT to reserve a portion of Missouri's allocation to fund these locations through subsequent grand rounds or direct negotiations with candidate providers.

2.4.10 Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.7.b of the BEAD NOFO.

The EHCPLT will be used by OBD to ensure that every eligible location in the state will be associated with a project that will bring it improved broadband service. In the interest of not ruling out any technological approach before the full picture of broadband availability is clear, OBD will not set a final EHCPLT until the completion of Round Two of BEAD applications. These applications will disclose the figure for the EHCPLT that will allow service to every eligible location within the budget set by Missouri's BEAD allocation. OBD will allow and encourage submission of applications using any technology meeting NTIA's definition of Reliable Broadband at every stage in the BEAD process.

Describe the process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.

Preliminary EHCPLT

After Round One applications have been received, a preliminary EHCPLT will be set using the process laid out in section 2.4.9. In cases where every priority broadband project submitted for an application area costs more than this value and a submission using an alternate technology costs less, OBD will consider funding non-priority broadband projects for the application area. These projects will be scored using the prioritization and scoring rules for non-priority broadband projects laid out in 2.4.2 and will be awarded only if the non-priority broadband project scores higher than all other projects for the area.

In application areas where both priority broadband projects and non-priority broadband projects were submitted, the per-location cost of the lowest-cost priority broadband project will be used to determine if the cost to serve the area is over the preliminary EHCPLT and non-wireless projects should be scored. If there are no priority broadband applications for the area, OBD will not award the area to a non-Priority Broadband Project in Round One. Without actual bidding information, OBD will be unable to determine whether the specific scenario of the BEAD program might be able to generate a Priority Broadband Project below the EHCPLT for that location.

The non-Priority Broadband Project could be awarded in Round One only under the following conditions:

- At least one Priority Broadband Project was proposed for the area, and every Priority Broadband Project has an average cost-per-location above the EHCPLT
- The non-Priority Broadband Project scores better than the Priority Broadband Project
- The non-Priority Broadband Project is below the Maximum BEAD outlay for the area.

Setting a preliminary EHCPLT near the upper end of the potential EHCPLT values will give OBD and applicants a more complete picture of the application areas available during Round Two by removing application areas where the results of Round One indicate a non-priority broadband project should be awarded. Because this value of the EHCPLT will not be final, non-priority broadband applications that were not considered for funding in Round One could be considered for funding in Round Two based on a lower final value for the EHCPLT and higher minimum BEAD outlay. Applicants proposing non-priority broadband projects that were not considered for funding under Round One rules will be allowed and encouraged to apply for the same areas in Round Two.

Final EHCPLT

After Round Two applications have been received, a final EHCPLT will be set using the process laid out in section 2.4.9. This value will be no higher than the value of the preliminary EHCPLT, so that any application area awarded to a non-priority broadband project based on the value of the preliminary EHCPLT will also be above the final EHCPLT and would have been awarded to the same applicant had the final EHCPLT been in effect at the time.

In cases where every priority broadband projects submitted for an application area costs more than this value, OBD will consider funding non-priority broadband projects for the application area. If no priority broadband projects were proposed, the average CQA modeled cost of fiber service to the eligible locations will be adjusted based on the extent to which already funded BEAD Priority Broadband Projects exceeded their modeled cost and used to identify if a Priority Broadband Project in the area was likely to exceed the EHCPLT. If this process generates an estimate for the cost of a Priority Broadband Project below the EHCPLT, OBD will not award the area in Round Two and may carry it over into subsequent rounds. If the estimate is above the EHCPLT, non-Priority Broadband Projects for the area will be considered for funding.

Non-Priority Broadband Projects in areas identified as above the EHCPLT will be scored using the prioritization and scoring rules for non-priority broadband projects laid out in 2.4.2 and will be awarded only if the non-priority broadband project scores higher than all other submissions for the application area and are below the area's maximum BEAD outlay.

Describe the plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.

Priority broadband project applicants will have the opportunity to reduce their costs as part of the best-and-final-offer process. If this reduction brings the cost below the value of the preliminary or final EHCPLT applications for the area will be scored on that basis.

Describe the process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

If no proposal meeting the definition of Reliable Broadband can be identified for some application areas over the course of Round One, Round Two, or subsequent rounds and direct negotiation as necessary, OBD will include in its Final Proposal a plan to open

a program to help individuals in eligible locations in accessing available service not defined as Reliable Broadband, potentially including unlicensed fixed wireless and low-earth orbit satellites.

Deployment Subgrantee Qualifications

2.4.11 Minimum Financial Capability.

Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.

During the application process, each applicant will be required to certify that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project in compliance with state and Federal regulations.

If debt financing will be obtained, applicants will be required to submit letters of commitment to demonstrate the willingness of the financial institution to provide the funding required to complete the project.

DED will also examine an applicant's past management of federal funds. DED will consider an applicant's proposed approach to ensuring compliance with all federal fund requirements. This will include an assessment of the applicant's skills, knowledge, and experience in managing federal funds.

OBD will also take into account the financial burden from managing federal broadband awards (e.g., CAF,[23] RDOF[24], ReConnect) an applicant has taken on throughout the country in considering the financial wherewithal and technical capacity of an eligible entity.

Subgrantees will be required to establish and maintain records, including financial documents, sufficient to enable OBD to determine whether the subgrantee has complied with the terms of its agreement with the state, and to assist OBD in meeting its recordkeeping requirements.

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[23] Connect America Fund.

[24] Rural Digital Opportunity Fund.

Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).

Subgrantees will be allowed to begin ground disturbing activities (upon clearance of the EHP reviews) but the state's grant agreement will not be fully executed until an irrevocable standby letter of credit or performance bond for no less than 10% of the awarded grants funds is submitted to OBD (see BEAD Letter of Credit Waiver). Under the rules of the BEAD Letter of Credit Waiver a letter of credit worth less than 25 percent of project costs and a performance bond for less than 100 percent of project costs can only be used as surety for projects where:

"(a) The Eligible Entity issues funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO;

(b) Reimbursement is for periods of no more than six months; and

(c) The subgrantee commits to maintain a letter of credit or performance bond in the amount of 10% of the subgrant until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subgrant has ended, whichever occurs first"

OBD's projects will meet these standards:

- OBD will issue funding on a reimbursable basis consistent with Section IV.C.1.b of the NOFO.
- Reimbursement will be for periods of no more than six months.
- OBD will require subgrantees to commit to maintain a letter of credit or performance bond in the amount of 10% of the subgrant until it has demonstrated to satisfaction of the Eligible Entity that it has completed the buildout of 100 percent of locations to be served by the project or until the period of performance of the subgrant has ended, whichever occurs first.

During the application process but before the OBD grant agreement is fully executed, prospective subgrantees using a letter of credit as their form of surety will be required to submit a letter from a bank that meets eligibility requirements consistent with those set forth in 47 CFR § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, in the required form, to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of OBD's letter of credit template.

OBD will provide a letter of credit template to subgrantees that will be substantially similar to the model letter of credit established by the FCC for its RDOF program.[25]

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[25] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 773-77, Appx. C. available at https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0

As also required in the BEAD NOFO p. 73, a prospective subgrantee using a letter of credit shall provide with its letter of credit an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.

During the application process but before the OBD grant agreement is fully executed, prospective subgrantees using a performance bond as a form of surety will be required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the performance bond. Prior to entering into any subgrantee agreement, each prospective subgrantee will be required to obtain a performance bond, acceptable in all respects to the Eligible Entity and in a value of no less than 10 percent of the subgrant amount.

OBD will examine subsequent guidance or waivers from NTIA regarding the contents of this section and allow further flexibility where allowed and compatible with the needs of the program.

Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.

OBD will review financial statements to assess the applicant's financial wherewithal to complete the proposed project as a part of the application process.

As OBD has done with previous grant programs, an applicant will be required to provide the most recent quarter's financial statements, and three previous fiscal years of financial statements (indicated if any supplied are audited). Financial statements need to include: balance sheets, income statements, and statement of cash flows.

For the project, applicants will be required to provide pro forma financial statements, including income statement and statement of cash flows to demonstrate sustainability of the project after the grant award.

Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

Applicants will be required to submit business and marketing plans for service.

Applications will be evaluated on the ability of the project to be sustained beyond the award period. Applicants will need to provide pro forma financial information, market projections, and business plans to demonstrate the applicant's financial ability to maintain the infrastructure over time. Project plans will need to describe the applicant's ability to scale the project by integrating advanced services over time.

OBD will review submitted application budgets for reasonableness against the overall project.

Applications will be evaluated on the reasonableness of the budget based on its clarity, level of detail, appropriateness to the proposed technical and programmatic solutions, and the reasonableness of its costs.

Applicants will be notified of the program requirements to submit letters of credit or performance bonds, audited financial statements, and sustainability/ pro forma analyses of a proposed project in advance of the opening of the first application cycle.

Financial materials will be submitted by applications to OBD into a centralized grants review software system for reference throughout the BEAD program.

2.4.12 Minimum Managerial Capability.

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.

OBD will provide a template for an eligible entity to list its leadership and ownership information for privately-held companies and not for profit corporations.

The following listing of full legal names (and dates of birth for individuals) would be required before the applicant can proceed to an application cycle:

- All directors, officers (president, vice-president, secretary, treasurer);
- Executives (chief executive officer, chief financial officer, or similar position);
- Members of the management team directly responsible for the operations of the eligible entity with regard to the project if persons other than those in (a) or (b);
- For privately-held companies, any individuals with at least a ten percent ownership interest in the company; and
- For privately-held companies that are a wholly- or partially-owned subsidiary of another company or companies, the name of each company with at least a ten percent ownership interest in the company.

Additionally, applications will be required to submit to OBD resumes for all key management personnel and any necessary organizational chart(s) detailing all parent, subsidiaries, and affiliates.

Detail how the Eligible Entity will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

Applications will be evaluated on the experience and expertise of the project management team, the past record of the applicant with projects of a similar size and scope and the applicant's capacity and readiness. This narrative should describe the experience and qualifications of key management relevant to the proposed project. OBD will also take into account the ability and capacity of an applicant based on submission timelines and interaction with OBD in other Missouri programs.

OBD will review this information on the basis of standards developed by OBD based on OBD's experience on past grant programs and determine whether the documents submitted demonstrate the prospective subgrantee's managerial capability with respect to the proposed project. Factors considered in making this determination will include:

The extent to which the organization or individuals employed by the organization have experience managing construction projects of similar size, scope, and complexity;

The extent to which the organization or individuals employed by the organization have experience managing projects with extensive federal reporting and compliance requirements;

The extent to which the organization or individuals employed by the organization have experience managing a broadband services network; and

The extent to which the management team demonstrates relevant training and expertise in areas including grant management, construction and management of a broadband services network, and securing the permits necessary for broadband construction.

No one factor will necessarily disqualify an applicant with a limited record in one area. Applicants that demonstrate a sufficient record in another area to give OBD confidence in their ability to deliver the project will still be able to participate in the program. OBD may allow prospective applicants whose initial management submissions did not meet OBD's minimum standards to strengthen this element of their proposal by making additional compensatory commitments in order to participate in the program.

Recent and upcoming organizational changes including mergers and acquisitions of the eligible entity will be reviewed as a component of a due diligence review phase of the application process.

2.4.13 Technical Capability.

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.

OBD will certify that any prospective subgrantee deploying network facilities is examined in depth and they meet the minimum qualifications for technical capability as it has been outlined in the BEAD NOFO. OBD will ask a variety of questions throughout the application to determine whether each project can maintain its viability while complying with the program requirements. In order to submit a grant application in the program, prospective subgrantees will be required to provide OBD with the information relevant to technical capability that is listed below in subsections A and B.

OBD will communicate the requirements that are listed below in subsections A and B to all the prospective subgrantees before the selection process begins. This will be accomplished by outreach through multiple channels, stakeholder awareness calls, and including these requirements throughout the grant application. OBD will develop standards of technical capabilities that will reflect industry standards and also reflect the BEAD NOFO. OBD may refer to the National Society of Professional Engineers and the Missouri Division of Professional Registration, so that its outreach methods for these requirements of technical capability reach prospective professionals that would be providing the certification.

Certification of Technical Qualification. The response must detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.

Prospective subgrantees must certify to OBD that they are technically qualified to complete and operate the project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce (BEAD NOFO; Section IV.C.1.e). The documentation that must be provided to OBD by the prospective subgrantee includes, but is not limited to:

- Documentation of current licensing with governing bodies to operate in Missouri;
- Attestation of current Missouri licensing for any engineers who certify design, diagrams, timelines, and project costs, etc.; and
- Demonstration of a past record of the subgrantee with projects of a similar size and the subgrantee's capacity and shovel-readiness.

Proposed Project Work Plan. The response must detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule

evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Prospective subgrantees must submit a network design, diagram, project costs, build-out timeline and milestones for project implementation to OBD. Prospective subgrantees must also submit a capital investment schedule evidencing complete build-out and the initiation of services within four years of the date on which the entity receives the subgrant to OBD. All this documentation must be certified by a professional engineer licensed as required by law, stating that the proposed network can deliver broadband services that meet the requisite performance requirements to all locations served by the project (BEAD NOFO; Section IV.C.2). The documentation that must be provided to our office by the prospective subgrantee includes, but is not limited to:

A detailed project narrative that includes the steps of the capital investment schedule (planning, design, implementation, and operation). This project narrative also needs to include the network design, diagrams, project costs, build-out timeline and milestones that are required by the BEAD NOFO; and

Attestation that the proposed network can deliver broadband services that meet the requisite performance requirements to all locations that are served by the project.

2.4.14 Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.

The response must detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.

OBD will require all applicants to demonstrate they are capable of carrying out funded activities in a competent manner that complies with all applicable federal, state, territorial, and local laws through the application process. Applicants will be required to disclose any recent violations of federal and state labor and employment laws. For entities required to register with the Missouri Secretary of State to do business in the State, a Certificate of Good Standing from the Secretary will be required.

Applications will go through an additional due diligence review step after the main application has been reviewed by OBD staff. Legal professionals will evaluate applicants for lawsuits evidencing any state or federal violations.

OBD will highlight relevant federal, state, territorial, and local laws to prospective applicants prior to the opening of Round One. Subgrantees will be required to certify they will follow the applicable laws.

In the absence of a waiver/flexibility, all subgrantees will be required to follow the Uniform Guidance, 2 CFR §§ 200.317 to .327, with respect to conducting procurement.

OBD will provide materials to subgrantees detailing the procedures and polices needed to stay in compliance with the procurement requirements in the Uniform Guidance of the Subgrantee Selection Primer document.

OBD staff will document these procurement materials and processes as subgrantees move through their project to ensure compliance.

For information on how OBD will review prospective subgrantees' submission of its network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which a subgrantee receives the subgrant see Section 2.4.13.

Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

OBD will require subgrantees, as well as their contractors and subcontractors, to commit to permit workers to create worker-led health and safety committees. OBD will require applicants to submit plans laying out how they will fulfill this requirement, which will be scored as part of the Fair Labor application scoring element:

The mechanisms workers would use to create worker-led health and safety committees; and

How committees will be able to raise potential safety concerns and work with management to identify and implement corrective action.

Documentation of compliance will be submitted to OBD for review.

2.4.15 Minimum Operational Capability.

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.

Applicants will be required to certify that they possess the operational capacity to complete and operate the project through the application process as well as submit further documentation at OBD's discretion. The application process will be overseen by OBD staff under a tiered organizational chart. OBD will utilize a robust, electronic document storage system following guidance from the Grant File Management: Guide & Best Practices document, drawing on experiences from past programs OBD has administered.

Applicants will not be able to enter into a grant agreement with OBD unless it submits documents and certifies sufficient operational capacity with respect to the proposed project.

Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.

Applicants that have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that is a wholly owned subsidiary of such an entity will be required to so certify and specify the number of years the applicant or its parent company has been operating.

Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.

Applicants that have provided a voice and/or broadband service will be required to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period and otherwise has complied with the Commission's rules and regulations.

Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or

financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

Applicants that have operated only an electric transmission or distribution service will be required in its grant application submission, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

Applicants that are new entrants to the broadband market will be required to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Materials acting as evidence includes:

- Resumes from key personnel indicating relevant experience in the broadband market; and
- Project descriptions and narratives from contractors, subcontractors, or other partners (if applicable) with relevant operational experience, or other comparable evidence.

2.4.16 Minimum Ownership Information.

Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 CFR § 1.2112(a)(1)-(7).

Applicants will be required to provide ownership information consistent with the requirements set forth in 47 CFR § 1.2112(a)(1)-(7). The following information under paragraph (a) will be collected by OBD from applications and reviewed:

- The real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;
- The name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;
- In the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
- In the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
- In the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater;
- All parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
- Any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

Information on minimum qualifications for providing information on ownership will be made available prior to the first application cycle. OBD staff will review the submitted ownership information against the requirements in this section and address discrepancies with prospective subgrantees when possible. [See Section 2.4.12].

2.4.17 Minimum Public Funding Information.

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:

Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.

Prospective subgrantees will be required to disclose in a list all broadband deployment projects they are undertaking or have committed to undertake in the future at the time of application submission using public funds. Grant programs in which the potential subgrantee participated in the past without any outstanding broadband deployment commitments need not be disclosed in fulfillment of this requirement. The information they will be required to submit is listed under subsection B of this response.

OBD will consider these outstanding commitments and assess the applicant's capacity to meet those commitments as well as its BEAD commitments, based on a holistic review of the application and the subgrantee's financial, managerial, technical, and operational capabilities as laid out in the corresponding sections of this document (see section 2.4.11).

At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

Applicants will be required to submit the following information (some of which will be drawn from the state's broadband map that applicants are expected to use for identifying their proposed project areas):

- The program from which the public funding for the project is being drawn, including the applicable funding agency (federal, state, or local agency administering the program);
- The speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules);
- The technology or combination of technologies to be used to provide service,
- The geographic area to be covered;

- the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage);
- The total project cost;
- The amount of public funding to be used;
- The cost of service to the consumer;
- The matching commitment, if any, provided by the subgrantee or its affiliates;
- The matching commitment drawn from different funding sources (e.g., private, local, or federal), including the source of those funds;
- Required date for project completion;
- Planned date for project completion (if earlier than the date required under the commitment);
- Percentage of locations deployed; and
- Required interim milestones (dates by which a certain portion of the project must be complete).

If a review of notices from major broadband funding agencies by OBD indicates upcoming broadband funding opportunities for which providers could reasonably be expected have "plans to submit" applications during the BEAD pre-qualification period, OBD will identify these programs and require providers to submit the elements of the above available at that stage of the planning process.

OBD will create a template and make it available prior to the opening of Round One on which prospective applicants can list the information required in Section 2.4.17(b). Where possible, OBD will reference datasets published by the applicable funding agency for major broadband funding programs and allow providers to certify that the information gathered there about their commitments is accurate. Applicants will be required to provide further information only if the documentation does not reflect the providers' understanding of their commitment or if information is omitted.

OBD will review the submitted information against state-maintained and publicly available documentation of broadband funding commitments. In cases of apparent discrepancies, OBD will work with the prospective subgrantee and the applicable funding agency to establish the disputed elements of the commitment.

The information required will include information about latency and the technology used, which will improve OBD's ability to determine whether the service to be deployed will generally meet the definition of Reliable Broadband Service.

2.5 Non-Deployment Subgrantee Selection (Requirement 9)

2.5.1 Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

To the extent that there are funds remaining after a commitment is secured for every BEAD-eligible location, OBD's primary nondeployment uses of BEAD funding will be the implementation of the [State of Missouri Digital Opportunity Plan](#) (DOP) and bolstering state workforce development initiatives. OBD will allocate any remaining funds at an 11:9 ratio, with the larger portion being dedicated to digital opportunity efforts (e.g., if there is $50 million remaining, $27.5 million would be dedicated to digital opportunity work and $22.5 million to workforce development). This division of funding was chosen to account for the substantial difference between funding in the Digital Equity Act (DEA) and BEAD programs. If there is less than $10 million in remaining funds, OBD will exclusively fund digital opportunity projects.

OBD will use the framework proposed in the DOP for developing and implementing a fair, open, and competitive process for identifying subgrantees capable of overcoming barriers beyond simple lack of broadband availability, including barriers to broadband adoption. The DOP recognizes broadband unaffordability, lack of access to (large screen) devices, and lack of digital skills and skills trainings as the primary barriers to equitable adoption and utilizations of broadband. The exact selection process for determining subgrantees will be dependent upon the requirements of the State Digital Equity Capacity Grant which have yet to be released. The DOP does however identify two general strategies for identifying subgrantees. The first strategy will primarily be used to implement the plan in urban and suburban areas with an existing pool of digital opportunity practitioners. This strategy entails a series of annual competitive grant programs to support partner organizations committed to bridging the digital divide. The second strategy is intended to ensure that the entire state, including rural areas without dedicated digital opportunity practitioners, receive digitally inclusive programming. This would be accomplished by eliciting multiyear proposals from large institutions with a statewide presence who would then utilize that presence to serve those areas unserved by the competitive grant process. Both strategies would prioritize selecting partners, or coalitions that include partners, that have both a demonstrated a history of success in implementing digitally inclusive programming, and an implementation/outreach strategy that prioritizes reaching those covered populations most impacted by the digital divide.

The remaining non-deployment BEAD funds will be designated for workforce development, with the goals of expanding the broadband workforce on a time-scale relevant for BEAD buildout. The programming enabled by this funding will be modeled on the Missouri Department of Economic Development's (DED) [ARPA Workforce](#)

Training Grant Program. As with the original program, OBD will develop competitive grants with the intention to train and upskill workers and expand customized recruitment assistance.26 The grant program will be open to both Missouri employers and Missouri-based entities working with Missouri employers to train eligible employees/jobseekers including but not limited to:

- Missouri Public Local Education Agencies
- Industry Associations
- Local Economic Development Organizations
- Local Workforce Development Boards
- Chambers of Commerce
- Nonprofit Organizations

The intended beneficiaries of these programs will be all Missourians, with a preference for programs intended to benefit 'covered populations' as defined by the BEAD program27 and Digital Equity Act.28 Projects will be scored based on the proposed project's impact on covered populations (40%); the applicant's experience and capacity with deploying similar programming, including its ability to comply with federal monitoring requirements (40%); its level of collaboration with, and support from, the local community (15%); and the applicant's matching financial contribution (5%). OBD will also prioritize those programs that seek accomplish the following:

Increasing the availability and technical capacity of Missourians in the five highest occupational demand fields as identified in the Missouri Workforce Innovation and Opportunity Act (WIOA) Plan and/or

Developing a digital and Internet-related workforce to increase Missourians' participation in the digital economy.

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26 https://ded.mo.gov/media/pdf/workforce-training-grant-program-summary

27 https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf

28 https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/DE%20PLANNING%20GRANT%20NOFO.pdf

2.5.2 Describe the Eligible Entity's plan for the following: a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds; b. How the non-deployment initiatives will address the needs of residents within the jurisdiction; c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities; d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

OBD is not yet able to determine whether it will be able to engage in activities beyond last-mile deployment projects. If funding is available after every eligible unserved location, underserved location, and community anchor institution is served, OBD will use additional funds to reduce barriers to broadband adoption within the framework laid out by the State of Missouri's Digital Opportunity Plan (MO DEA Plan) and to fund broadband workforce investments. OBD will use the additional funding to expand the state-wide partnerships and competitive grant opportunities proposed in the MO DEA Plan. This investment will not duplicate or supplant activities funded through the Digital Equity Act: additional funding through BEAD will allow for funding of new or expanded activity that could not have been funded with DEA funding alone.

   a. *How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds*

OBD will employ preferences in line with the preferences used for awarding of DEA Capacity Grant funding as laid out in the MO DEA Plan.

   b. *How the non-deployment initiatives will address the needs of residents within the jurisdiction*

Non-deployment BEAD funding will be used to address the needs of residents identified in the MO DEA Plan in terms of inability to afford internet service or internet-capable devices and limited opportunities for digital skills training.

   c. *The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities*

Non-Deployment BEAD funding will be guided by the coordinated stakeholder engagement conducted in the preparation of the MO DEA Plan and the BEAD Five-Year Plan, the feedback gathered during the MO DEA Plan comment period, and additional opportunities for stakeholder engagement as the MO DEA Plan is implemented.

   d. *How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals*

The framework laid out in the MO DEA Plan allows for many different potential approaches that would contribute to achieving the goals of BEAD program. The open and competitive process for awarding funding under the MO DEA Plan will allow a

broad range of actors to propose different potential uses of funding. OBD will be flexible in terms of its proposed use of non-last-mile deployment BEAD funding if subsequent stakeholder engagement suggests a particular approach is likely to be more effective.

2.5.3   Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

OBD is not yet able to determine if Missouri will have sufficient BEAD funds to fund non-deployment activities. The subgrantee selection process laid out in section 2.4.1 indicates how OBD will allocate funding to projects with eligible deployment locations in the state of Missouri between publication of the state's Initial and Final Proposal. If this process does not secure commitments for every eligible unserved and underserved location in the state of Missouri, OBD will not propose non-deployment activities in its Final Proposal.

7.1.1 2.5.4 Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.

OBD is not yet able to determine if Missouri will have sufficient BEAD funds to fund non-deployment activities. OBD will align the process designed to award non-deployment BEAD funds with the process used to award Digital Equity Act Capacity funds through an open and competitive process. Through this process, OBD will ensure that subgrantees:

Can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, state, and local laws.

To meet this requirement OBD will review evidence of a subgrantee's previous compliance with legal requirements while executing activities with a similar scope of legal responsibility as the activities proposed by the subgrantee, their proposed approach to legal compliance, and the team members proposed team members with compliance responsibilities. Where necessary, OBD will include provisions designed to ensure and encourage legal compliance into a binding grant agreement. OBD will issue awards only if the provider accepts these elements of the grant agreement, and if the review of submitted evidence leaves OBD with confidence the applicant will be able to comply with applicable laws in a competent manner

Have the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity

To meet this requirement OBD will review evidence of a subgrantee's previous performance while executing activities with similar demands on managerial and financial capacity as the activities proposed by the subgrantee, the size and experience of their staff, and basic information about their budget. OBD will issue awards only if the review of submitted evidence leaves OBD with confidence the applicant will have the capacity to meet their financial and managerial obligations under the award.

Have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

To meet this requirement OBD will review evidence of a subgrantee's previous performance while executing activities with a similar technical and operational demands as the activities proposed by the subgrantee, the size and experience of their staff, and information about their plan for service delivery. OBD will issue awards only if the review of submitted evidence leaves OBD with confidence the applicant will have the necessary technical and operational capability to meet their obligations under the award.

2.6   Eligible Entity Implementation Activities (Requirement 10)

2.6.1   Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

OBD proposes to implement limited initiatives without making a subgrant. These include activities already under way or planned using existing funding streams that will need to be continued over the course of the BEAD program: grant management for OBD-administered broadband programs, implementation of the state challenge process, implementation of the subgrantee selection process, broadband availability mapping and associated data collection, and continuing public engagement around the BEAD program, including documentation and public notification of BEAD commitments and progress on BEAD-funded networks and outreach associated with efforts to secure BEAD projects for unawarded areas. Because OBD is already responsible and has existing funding to begin or continue carrying out these activities, it is the best situated agency to continue these activities over the lifetime of the BEAD program.

2.7   Labor Standards and Protection (Requirement 11)

2.7.1 Required Application Information.

Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:

Prospective subgrantees' record of past compliance with federal labor and employment laws, which:

i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;

ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and

iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

Missouri will require submission of several elements that speak to "Prospective subgrantees' record of past compliance with federal labor and employment laws." New entrants without three years of broadband experience will have the opportunity to mitigate their lack of record through an increased weight assigned to forward-looking commitments. OBD will require from each prospective subgrantee:

- Disclosure of violations of state and federal labor law on broadband projects over the previous three years by applicants, contractors, and subcontractors.
- Certification from an Officer/Director-level employee (or equivalent) evidencing consistent past compliance with federal labor and employment law by the subgrantee, as well as contractors and subcontractors.
- Certification that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws, for the preceding three years.
- Data on a prospective subgrantee's historical use of contracting and subcontracting arrangements, including staffing plans, and at least one example of each contractor and subcontractor's past performance in the context of a similar project.

OBD will examine this information and assign a score based on the violations disclosed (10 points for no violations, 5 points for some violations, and 0 points for a pattern of violations).

- Copies of OSHA form 300A for establishments associated with the subgrantee's broadband deployment activity over the previous three years.

  OBD will assign the application a score based on a comparison of the submitted rate of "recordable cases" and the industry average (10 points if notably below, 5 points if near, 0 points if notably above). Institutions exempt from submitting form 300A will be asked to disclose any workplace incidents reported to OSHA because it resulted in "a fatality, in-patient hospitalization, amputation, or loss of an eye."
- Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address how the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:
- Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and
- How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

Missouri will evaluate an applicant's plans for compliance with federal labor law, as well as their plans to ensure compliance for its contractors and subcontractors. Applicants will submit:

- A plan for compliance with federal and state labor law, including "information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network" as well as any commitments listed on BEAD NOFO page 43.

  The submitted information will be evaluated and scored by OBD reviewers on the basis of the confidence it provides in the applicant's ability to comply with federal labor law (Up to 10 points for high confidence in the proposal)

- A plan for "implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects."

The submitted information will be evaluated and scored by OBD reviewers on the basis of the confidence it provides that the committee's will be able to operate effectively (Up to 10 points for high confidence in the proposal)

2.7.2   Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

a. Using a directly employed workforce, as opposed to a subcontracted workforce;

b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;

c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);

d. Use of local hire provisions;

e. Commitments to union neutrality;

f. Use of labor peace agreements;

g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);

h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and

i. Taking steps to prevent the misclassification of workers

Missouri does not intend to make any of these labor standards and protections mandatory for subgrantees. Missouri will consider commitments to labor standards and protections as part of its evaluation of the subgrantee's forward-looking plans to comply with federal and state labor law (the "Fair Labor Standards" element of BEAD project scoring). The scoring weight assigned to "Equitable Workforce Development and Job Quality" will also help to promote high-quality jobs on BEAD projects.

2.8 Workforce Readiness (Requirement 12)

2.8.1   Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response should clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

Missouri plans to advance these workforce objectives through weighting of scoring elements related to Equitable Workforce Development and Job Quality in its scoring of grant applications.

A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective

Missouri will ensure subgrantees support the development and use of a highly skilled workforce capable of carry out work in a manner that is safe and effective by:

- Allowing and encouraging use of BEAD deployment funds for "workforce development, including Registered Apprenticeships and pre-apprenticeships, and community college and/or vocational training for broadband-related occupations to support deployment, maintenance, and upgrades." Applicants for BEAD deployment funding will be able to request workforce development funding as part of their application, which would be scored and awarded according to the process laid out for deployment awards in this document.
- Scoring applications on the basis of commitments to invest and participate in workforce training.
- Encouraging the development of a high-skilled workforce based in the State of Missouri by scoring applications on their commitment to hiring Missouri-based workers and contractors.
- Promoting safety by scoring subgrantees based on their safety records and plan for implementation of workplace safety committees.
- Launching a round of dedicated non-deployment broadband workforce funding should a sufficient allocation be left over after identification of a deployment project for every BEAD-eligible location.

A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (e.g., child care, transportation, mentorship), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;

Missouri will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations to meet local workforce needs and increase high-quality job opportunities by:

- Continuing to engage with stakeholders among these groups to identify, promote, and encourage collaboration on opportunities to engage in partnerships to meet workforce needs, including opportunities that can be funded with BEAD dollars associated with last-mile broadband deployment projects.
- Awarding the highest possible score for the workforce training element for applicants that participate in a registered apprenticeship, pre-apprenticeship tied to a Registered Apprenticeship or joint labor management training partnership.
- Awarding higher scores on the hiring commitment element of BEAD applications based on plans to participate in effective partnerships.

A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and

Missouri will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process by:

- Continuing to engage with stakeholders, including employers, workers organizations, and communities about the opportunities represented by employment through the BEAD program.
- Scoring applications based on commitments to directly employ all or some of the workforce on broadband projects.
- Scoring applications based on commitments to prioritize hiring of local workers and workers from populations historically underrepresented in broadband.

A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

Missouri will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers by:

- Scoring applications based on training commitments that will allow new workers to enter the broadband industry.
- Scoring applications based on commitments to prioritize hiring of local workers and workers from populations historically underrepresented in broadband.
- Requiring compliance with applicable civil rights and nondiscrimination laws.

2.8.2   Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. These plans should include the following:

a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor management training programs that serve all workers;

b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;

c. Whether the workforce is unionized;

d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and

e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;

b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:

i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and

ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

In line with requirements in the BEAD NOFO, applicants will be required to submit:

- Their plans to ensure use of an appropriately skilled workforce, including:
- Participation or plans to participate in Registered Apprenticeships or other joint labor-management training programs that serve all workers; and
- Participation or plans to participate in other relevant training opportunities;
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, including:
- Appropriate and relevant pre-existing occupational training, certification and licensure; and

- Plans to conduct occupational training, certification, and licensure to fill gaps in the existing workforce
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce in whole or in part and, if so, the portion of the workforce that will be subcontracted; and
- The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work and the above information for those contractors and subcontractors.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
- Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
- Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

These plans will be reviewed as part of OBD's review of the Fair Labor Standards and Equitable Workforce Development scoring elements as well as OBD's review of the whether the applicant has the minimal capabilities to participate in the BEAD program.

2.9 Minority Business Enterprises (MBEs)/ Women's Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13)

2.9.1 Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

Over the course of the program, OBD will ensure that minority businesses enterprises (MBEs) and women-owned business enterprises (WBEs) are recruited, used, and retained when possible. Missouri does not have any labor surplus areas and the state will not prioritize policies designed to identify and encourage applications from labor surplus area firms.

Applicants will be asked to certify and provide evidence of whether it is an MBE or WBE and whether it would use MBEs or WBEs as contractors. OBD will record and store this data. Plans and commitments related to use of MBE and WBE as contractors will be a scoring element for BEAD applications.

Stakeholder Engagement

From 2022-2023, OBD carried out a robust stakeholder engagement tour around the state to spread awareness of the program and collect input from a diverse variety of stakeholder groups.

As part of these efforts, OBD engaged with (and will continue to) numerous entities that deal with MBEs and WBEs including:

- Hispanic Chamber of Commerce
- Historically Black Colleges and Universities (HBCUs) such as Harris-Stowe State University
- OBD maintains a list of digital opportunity affiliated organizations it regularly sends updates to.
- Minority-led non-profits
- Missouri Office of Equal Opportunity (Maintains a directory of MBEs and WBEs. OBD will pass announcements pertaining to the grant application cycle as well as awarded project areas to OBD to distribute among its directory.)

OBD additionally plans to hold a Pre-Qualification period ahead of Round One to alleviate burdens on OBD and eligible applicants. This period will be beneficial to MBEs and WBEs in establishing what eligible entities are interested in applying.

2.9.2 *Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88–89 of the BEAD NOFO:*

☒ Yes, OBD, DED, and the State of Missouri hereby certify it will do the following:

- *Place qualified small and minority businesses and women's business enterprises on solicitation lists;*
- *Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;*
- *Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;*
- *Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;*
- *Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and*
- *Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.*

2.10 Cost and Barrier Reduction (Requirement 14)

2.10.1 Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment.

The Missouri Office of Broadband Development (OBD) has identified several steps to help reduce costs and barriers for deployment. To help reduce costs and barriers related to BEAD projects OBD has conducted research over the course of several months over the issues facing organizations involved in broadband deployment. After conducting this research, along with interviewing numerous stakeholders, government entities and other third parties the following responses will help reduce costs and barriers for future projects. Responses may include but not be limited to the following:

Improved Communication

Respondents reported that widespread miscommunication between the parties involved could lead to substantial delays in permitting and permissions required to proceed with broadband expansion projects. To facilitate clearer lines of communication, OBD plans to gather and publicize reliable contacts for BEAD applicants and other stakeholders involved in the permitting process.

Gain Certification from Missouri 811

To help ensure that there are fewer accidents, and that safer digging / excavation is practiced in these projects, the Office of Broadband Development will require employees of subgrantees and their contractors / sub-contractors with relevant responsibilities on BEAD projects to take the Missouri 811 Missouri Damage Prevention Awareness Training Course. OBD will require subgrantees, their contractors and sub-contractors to document completion of the course by their employees and submit the documentation to OBD.

Flagging and Marking

A major problem that is facing broadband deployment when it comes to construction for these projects is flagging and marking for underground utilities. OBD plans to require all BEAD subgrantees and their contractors and sub-contractors to use Missouri 811 online portal to request markings or flagging of underground utilities. This online process will help schedule and streamline the markings/flagging process, which will reduce the burden of BEAD projects on Missouri 811 and help the construction of these projects start sooner.

Streamlining Permitting

A major issue that OBD has discovered is that the companies involved in broadband are having trouble with obtaining permits from third parties (i.e., federal, state, local governments, and railroads). OBD will work with subgrantees to understand these requirements and encourage them to begin the process of securing permits early in the process of applying for BEAD funding. On the ends of those who grant the permits, OBD will work with local governments to communicate best practices for streamlining their

permitting process. With these wait times cut on the permitting process, construction can start sooner.

Documentation and Communication of BEAD Commitments

Conversations with various stakeholders on broadband deployment processes, including railroads, local governments, and Missouri 811 have indicated that information about the location of planned BEAD projects and their general timeline for construction could help these agencies allocate resources and reduce the burden posed by surges in demand associated with BEAD projects. OBD will document relevant information about BEAD-funded broadband projects and communicate them to these stakeholders to enable improved planning and responsiveness. OBD will also work with the State Historic Preservation Office to flag the potential burden associated EHP reviews for BEAD projects and identify additional efficiencies.

Steps Already Taken

While OBD does not have regulatory authority over many of the identified barriers to deployment, it has played a convening role for policymakers and users of the state's various permitting systems. For instance, OBD hosted an expert panel discussing permitting and other broadband deployment challenges at its 2023 Broadband Summit.

2.11 Climate Assessment (Requirement 15)

2.11.1 Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:

a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;

b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;

c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;

In order to better identify evolving natural hazards that could put BEAD-funded broadband infrastructure at risk OBD contracted with the University of Missouri System for a report, which is attached as Optional Attachment 2.11.1.1 (2.11.1.1 Report). Missouri also reviewed relevant elements of the Missouri Hazard Mitigation Plan 2023-2028 (https://sema.dps.mo.gov/docs/programs/LRMF/mitigation/MO_Hazard_Mitigation_Plan_2023-2028.pdf). The Hazard Mitigation plan identifies "weather events such as windstorm or winter weather" as threats to telecommunications line strung on poles and flooding as a threat to buried telecommunications cables.

The University of Missouri report found decreases in wind speeds and extreme wind events over the course of the study period and an increase in precipitation and extreme precipitation events in some seasons (2.11.1.1 Report pg. 60). The report concludes that "the results indicate that Missouri's broadband infrastructure is at a greater risk of precipitation change, extreme precipitation events, and potential surface flooding compared to the changes in the surface wind speed" (2.11.1.1 Report pg. 60). On this basis OBD will focus its response on this question on the risk posed to broadband networks by surface flooding.

OBD will require initial hazard screening for locations within Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency. OBD believes the applicants responsible for the construction and operation of these networks will be best-positioned to determine climate risks and appropriate mitigation measures, since they will be motivated to protect their investments in BEAD networks. This screening will consist of: (a) identification of the hazards, if any, associated with the project to serve

locations in SFHAs; and (b) identification of the mitigation measures, if any, necessary to preserve network integrity in the case of flooding and costs associated with those mitigation measures.

d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and

OBD will exempt costs associated with these mitigation measures from the calculation of the BEAD outlay scoring element, up to five percent of the maximum value assigned to the location in the award round. This will allow applicants to take mitigation measures without disadvantaging themselves relative to other projects applying to serve the same project area.

Possible mitigation measures include location of facilities vulnerable to flooding outside of flood zones, waterproofing of facilities, redundancy built into the network, or routing of important trunks of the network away from high-risk areas.

e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

Within four years of the date on which the last subgrant receives a subgrant for a BEAD deployment OBD will conduct a review of evolving natural hazards that could put Missouri's broadband infrastructure at risk and issue updated recommendations for any further measures to harden Missouri's broadband infrastructure against these hazards. This cadence was chosen so that OBD will be able to conduct the update at the latest feasible point within the "life of the program." Placing the update near the end of the "life of the program" will allow OBD to take advantage of experience gained through the construction and operation of BEAD networks and improved understanding of evolving natural hazards.

2.12   Low-Cost Broadband Service Option (Requirement 16)

2.12.1   Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);

b. The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);

c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate; and

d. Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications

The IIJA and the BEAD NOFO require Missouri to define a low-cost option or options available to end-users of BEAD networks that are eligible to participate in the Affordable Connectivity Program (ACP).

OBD understands that prescriptive pricing requirements pose a challenge for the business case of projects in expensive areas. For this reason, OBD is adopting a flexible approach in terms of its low-cost option and overall Middle-Class Affordability Plan, awarding providers additional points for affordability commitments but not prescribing given pricing levels. In public comment following the publication of Missouri's draft Initial Proposal Volume II, a wide range of potential BEAD program participants expressed a need for flexibility to account for high-cost areas where the potential rate of return for newly built broadband networks is already expected to be low. To participate in the BEAD program in Missouri, providers must offer a service option that meets the following criteria:

- Is set at a price that is affordable to the eligible population based on a market analysis clearly demonstrating that the service option is reasonably affordable to the average ACP eligible household in Missouri.
- Rises annually during the useful life of the asset, defined for purpose of this section as eight years, by no more than the annual increase in the Consumer Price Index as calculated by the Bureau of Labor Statistics or three percent, whichever is lower.
- Allows the end user to apply the Affordable Connectivity Benefit subsidy to the service price.
- Provides at least 100 Mbps and typical upload speeds of at least 20 Mbps.

- Provides typical latency measurements of no more than 100 milliseconds; and is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
- In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.
- Subgrantees are required to participate in ACP or any successor program, and Eligible Subscribers that are eligible for a broadband service subsidy can apply the subsidy to the proposed service option. In the event that funding for the Affordable Connectivity Program is not replenished and the National Verifier is no longer available, OBD work with NTIA to determine how low-cost eligibility determinations should take place, but subgrantees will be required to offer the low-cost plan on that updated basis.

Subgrantees will be required to post the terms of the low-cost option and any other pricing commitments made as part of the BEAD program and include the low-cost option alongside other pricing options in a transparent manner. Subgrantees should understand that OBD will also document and publicize pricing commitments associated with BEAD-funded networks.

2.13 Middle-Class Affordability Plans

2.13.1 Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

Beyond the low-cost plan for eligible participants documented in section 2.12.1, OBD's general mechanism for making affordable broadband available to middle-class families in BEAD-funded networks is the heavy weight assigned to the NTIA-mandated affordability metric (cost of 1 Gbps/1Gbps or 100/20 Mbps service) incorporated into scoring of competitive BEAD proposals. This scoring incentivizes providers to offer lower prices while allowing trade-offs with other considerations, including the viability of the business case of the network in high-cost areas.

OBD will require providers to submit non-promotional pricing information for all packages offered on BEAD networks, not just 1 Gbps/1 Gbps plans. OBD will further promote affordability and accountability within the BEAD program by documenting pricing information and commitments associated with particular awards and awarded locations and providing tools members of the public can use to identify the commitments relevant to their addresses.

OBD further anticipates promoting affordability through its state implementation of the Digital Equity Act, including the Digital Equity Capacity grant program, and any funds remaining for non-deployment uses after a project is identified for every BEAD-eligible location.

2.14 Use of 20 Percent of Funding (Requirement 17)

2.14.1 Describe the Eligible Entity's planned use of any funds being requested, which must address the following:

a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.

b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations.

c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved and underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

In line with NTIA guidance, OBD plans to request 100 percent of its funding upon the approval of Missouri's Initial Proposal. A limited amount of this funding will be used to implement OBD's state challenge process and grant administration activities. Missouri's Initial Proposal Funding Request includes $ 8,987,329.47 in salaries and benefits for OBD staff responsible for elements of the BEAD program and other costs. OBD is requesting 100 percent of funding at this stage in order to give increased confidence to potential BEAD applicants that the funds will be available to the state to fund BEAD projects, which should promote participation in the BEAD program. Transfer of the funds to the state will also facilitate BEAD planning by the State of Missouri and BEAD applicants.

2.14.2 Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '$0.00.'

OBD is requesting 100% of remaining allocation for its Initial Proposal Funding Request of $1,734,155,403.80.

2.14.3 *Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Proposal Funding Request, note "Not applicable."*

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 *a. Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer. b. If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.*

Missouri has no such state laws. Although § 392.410.7 of Missouri's Revised Statutes states "no political subdivision of this state shall provide or offer for sale, either to the public or to a telecommunications provider, a telecommunications service or telecommunications facility used to provide a telecommunications service for which a certificate of service authority is required" from the Missouri Public Service Commission, the statute then states, "Nothing in this subsection shall restrict a political subdivision from providing telecommunications services or facilities . . . for Internet-type services." § 392.410.7(5) RSMo. Several municipal utilities in Missouri currently provide broadband service, either on their own or through a public-private partnership with an internet service provider.

2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1 Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they intend to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.2 Subgrantee Accountability Procedures.

Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);

Subgrantees will be required to follow the applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth at 2 CFR part 200. If subsequent guidance or waivers exempt BEAD applicants for some or all of these requirements, OBD may revise the approach in section 2.16.2.

Reimbursement requests may be submitted monthly and must include supporting documentation for the costs incurred.

Requests for reimbursement must be submitted only by a person authorized to submit a request according to the subgrantee's internal control processes. A form will be provided by OBD for the subgrantee to designate who is authorized to submit requests for reimbursements.

In addition to reimbursement of costs, subgrantees will receive an 85% reimbursement for the eligible costs submitted each month; the remaining 15% reimbursement will be available upon completion of the final inspection and grant closeout.

Staff will ensure that all funds disbursed are eligible under Subpart E of the Uniform Guidance, Cost Principles, including the requirement that costs be reasonable (2 CFR § 200.404). The State will also ensure federal guidance is binding on subgrantees, such that restrictions in the BEAD NOFO, Commerce Financial Assistance Standard Terms and Conditions, specific terms in the grant agreement between Missouri and Commerce, or other documents issued by Commerce flow through to the subgrantee. The grant agreement between OBD and each subgrantee will include remedies for noncompliance substantially similar to those in 2 CFR § 200.339, which include withholding payments.

The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;

OBD is housed within the Missouri Department of Economic Development (DED), and DED is required by § 620.017 RSMo to include in its agreements with grant recipients (among others) "the financial obligation of the party if the requirements of the agreement are not met". DED has implemented clawbacks in its agreements for years, and included clawback provisions in its ARPA Broadband Infrastructure subaward agreements. In its recent federally funded broadband agreements, DED has added return of program funds as a penalty for breach (in addition to those in 2 CFR § 200.339, discussed in Section A). Should OBD or Commerce determine that costs are disallowed, DED ensures it can look to the subgrantee for repayment in order to protect Missouri taxpayers.

Timely subgrantee reporting mandates; and

Reporting requirements from the subgrantee to OBD will be included in the grant agreement with subgrantees, and subgrantees also agree to comply with any later-added reporting requirements established by Commerce/NTIA.

Deadlines will be put in place for subgrantees to submit information to OBD prior to NTIA's deadlines. This will be covered by language in the grant agreement. Subgrantees will be sent reminders to submit information.

Robust subgrantee monitoring practices.

OBD will monitor a project to evaluate the subgrantee's compliance with federal statutes, regulations, and the terms of the subgrant agreement, and will take prompt action when instances of noncompliance are identified.

Monitoring and oversight may be in the form of site visits or desk reviews. OBD will notify subgrantees in advance of any site visits. OBD is given express authority under § 620.2468 RSMo for such site inspections.

OBD will submit all required reports to NTIA.

OBD will provide subgrantees with all available resources from NTIA on monitoring and reporting requirements as well as materials generated by OBD with the purpose of providing clarification on the state's requirements.

In addition, an OBD team member will be assigned to monitor each project, managing a case load of BEAD funded projects. These staff members will be responsible for monthly desk visits with the subgrantee as well as quarterly calls with all subgrantees in the program.

Project expenditures and funds reimbursed will be tracked on a subgrantee basis in a centralized software system that will house all house all relevant tracking information on a subgrantee's project.

The grant agreement will require subgrantees to establish and maintain records, including financial documents, sufficient to enable OBD to determine whether a subgrantee has complied with the terms of the grant agreement, and to assist OBD in meeting its recordkeeping requirements. Such records may include, but are not limited to:

- Records sufficient to permit, as stated in 2 CFR 200:
    - The preparation of reports required by general and program-specific terms.
    - The tracing of funds to a level of expenditures adequate to establish that such funds have been used according to federal statutes, regulations, and the terms of the state's agreement.
- Records allowing OBD to establish and demonstrate that the applicable requirements of 2 CFR part 200 are met with respect to the project.

- Subpart F – Audit Requirements of Uniform Guidance, implementing the Single Audit Act, shall apply to each subgrant unless the subgrantee is a for-profit entity.

2.16.3 Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

☒ Yes, OBD, DED, and the State of Missouri hereby certify that they will ensure subgrantee compliance with the following cybersecurity and supply chain risk management requirements are met.

Cybersecurity

The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either:

- Operational, if the prospective subgrantee is providing service prior to the award of the grant; or
- Ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award.

The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented.

The plan will be reevaluated and updated on a periodic basis and as events warrant.

The plan will be submitted to OBD prior to execution of the BEAD grant agreement. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to OBD within 30 days.

Supply Chain Risk Management (SCRM)

The prospective subgrantee has a SCRM plan in place that is either:

- Operational, if the prospective subgrantee is already providing service at the time of the grant; or
- Ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;

The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;

The plan will be reevaluated and updated on a periodic basis and as events warrant; and

The plan will be submitted to OBD prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to OBD within 30 days. OBD must provide a subgrantee's plan to NTIA upon NTIA's request.

2.17 Volume II Public Comment

2.17.1 Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

A. *The public comment period was no less than 30 days; and*

B. *Outreach and engagement activities were conducted to encourage feedback during the public comment period.*

OBD conducted a public comment period for Initial Proposal Volume II from November 15, 2023 to December 15, 2023. OBD engaged in extensive outreach and engagement activities to encourage feedback during the comment period. The content of Initial Proposal Volume II was posted to ded.mo.gov/getconnected, the webpage established as a source of information about OBD's IIJA-funded broadband programming over the course of the last year. Emails were sent to addresses that signed up for updates on OBD's broadband programming at the opening of the comment period and shortly before the period closed. The opportunity to participate in the comment process was promoted at stakeholder engagement events ahead of and during the comment period, including a well-attended state broadband summit. OBD gathered feedback directly from a group of invited broadband stakeholders at a focus group meeting on December 8, 2023. On Monday, December 11, 2023, OBD hosted virtual office hours discussing the plan in advance of the close of the comment period.

To facilitate actionable public comments, OBD provided an online form that allowed commenters to associate their comments with particular elements of Initial Proposal Volume II, either through a short survey allowing submission of comments about the plan or a longer survey posing more detailed questions about elements of Volume II. OBD received 80 responses through the "short form" survey and 63 through the "long form" survey.

Several themes emerged over the course of the comment period. Notable themes included:

- Commenters expressed concern about the weighting of the required minimal BEAD outlay scoring element. Some commenters expressed concern that this element was weighted too heavily at the expense of a holistic view of project quality, especially given the special role played by this scoring mechanism in the BAFO process in our draft proposal. Other commenters felt it should be weighted more heavily relative to other elements of the proposal. As required by the NOFO, the minimum BEAD outlay element remains an important element in this version of the proposal. However, the BAFO process is no longer limited to two applicants with the lowest BEAD outlay requests, and BAFO participants are now

permitted to change multiple elements of their application, beyond the BEAD outlay. This should allow competition at this stage across all scoring elements.

- Commenters expressed concerns that the minimum score required in Round One would be challenging for applicants to meet. The new proposal applies the score only to applications in non-competitive areas. While the proposed minimum score has been increased, in conjunction with changes to the scoring of affordability for non-competitive areas, it should be possible for projects with some showing of effort across scoring categories to achieve the minimum score.

- Commenters expressed concern that the proposed low-cost plan and affordability scoring metric would limit participation in the program by making projects in high-cost areas uneconomical, and furthermore, that these measures represented impermissible rate-setting under the IIJA. OBD has modified these elements of the proposal to allow a higher degree of flexibility for providers to demonstrate affordability and distinguish their proposals.

- Commenters expressed concern that the model used as part of the multi-stage process to set the maximum BEAD outlay for each application area would fail to capture the full costs of projects. OBD acknowledges that no model will accurately capture the cost of every project, which will depend on local context and the situation of the applicant proposing the project. However, unconstrained spending on early awards runs the risk of exhausting BEAD funds before all locations are served. OBD reviewed how this metric would have performed in relation to the state's ARPA-BIP awards and found that: (a) most awarded funding requests would have come in below the hypothetical Round One maximum outlay; and (b) as a whole, awarded providers requested roughly 75 percent of the cap across all the awarded projects, meaning that every project could have been awarded over the course of multiple rounds, as suggested in this proposal. Based on these findings OBD has decided to retain this mechanism.

- While some commenters indicated that financial support from local government was a very strong indication of local support for a project, other commenters expressed concern about whether it would be possible to secure such funding in most situations. On the basis of these comments, OBD's scoring of local coordination in support of projects was adjusted.

2.17.2 As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

Not Applicable